MINUTES – 28 JUNE 2022

PORT STEPHENS
COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 28 June 2022, commencing at 5:30pm.

PRESENT: Mayor R Palmer, Councillors L Anderson, G Arnott, M Bailey, C Doohan, P Francis, S Tucker, J Wells, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Section Manager.

157	**Councillor Giacomo Arnott** **Councillor Matthew Bailey** It was resolved that a leave of absence be granted to Cr Peter Kafer and Cr Glen Dunkley for Council meeting held on 28 June 2022.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	There were no declarations of interest received.

158	**Councillor Leah Anderson** **Councillor Peter Francis** It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 14 June 2022 be confirmed.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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MOTIONS TO CLOSE

ITEM NO. 1 **FILE NO: 22/156271**
EDRMS NO: PSC2021-04204

MOTION TO CLOSE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Acquisition of Part 352 Duns Creek Road, Duns Creek & Part 353 Duns Creek Road, Duns Creek for Road Widening Purposes**.
2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:

- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

159	**Councillor Chris Doohan** **Councillor Matthew Bailey** It was resolved that Council: 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 0 on the Ordinary agenda namely **Acquisition of Part 352 Duns Creek Road, Duns Creek & Part 353 Duns Creek Road, Duns Creek for Road Widening Purposes**. 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing: • information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Ryan Palmer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

ITEM NO. 1 **FILE NO: 22/145962**
EDRMS NO: PSC2022-145962

2022-2032 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2022-2023 FEES AND CHARGES

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Receive and note the community submissions received and responses in relation to the draft 2022 to 2032 Integrated Planning and Reporting documents and draft Fees and Charges 2022 to 2023 **(ATTACHMENT 1)**.
2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 **(ATTACHMENT 2)**.
3) Adopt the Integrated Planning and Report documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 with amendments as provided in **(ATTACHMENT 2)**.
4) Make the rates and charges for 2022 to 2023 in accordance with **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

160	**Councillor Leah Anderson** **Councillor Chris Doohan** It was resolved that Council: 1) Receive and note the community submissions received and responses in relation to the draft 2022 to 2032 Integrated Planning and Reporting documents and draft Fees and Charges 2022 to 2023 **(ATTACHMENT 1)**.

	2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 **(ATTACHMENT 2)**. 3) Adopt the Integrated Planning and Report documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 with amendments as provided in **(ATTACHMENT 2)**. 4) Make the rates and charges for 2022 to 2023 in accordance with **(ATTACHMENT 3)**.

Councillor Jason Wells left the meeting at 5:34pm.
Councillor Jason Wells returned to the meeting at 5:34pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with information on the community submissions received during the public exhibition period and changes proposed to the Integrated Planning and Reporting documents and Fees and Charges for 2022 to 2023, along with making the rates and charges for 2022 to 2023.

Why these documents are necessary

The Integrated Planning and Reporting documents consist of the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032). The Fees and Charges 2022 to 2023 are also a key resource.

The 2022 to 2023 financial year is the first year of the next Integrated Planning and Reporting cycle, with all councils required to review and endorse a 10 year Community Strategic Plan prior to 30 June 2022 following the local government election. The Community Strategic Plan (the Plan) is the highest level of strategic planning that a council will prepare on behalf of its community, with Council playing a custodial role in collating the Plan and engaging with the community on priorities and aspirations for the next 10 years.

Many community priorities are beyond Council's sphere of control, involving partnerships and advocacy with many other government departments, private enterprises, agencies and the community. Establishing community priorities is critical in informing what services, facilities and programs Council should sustainably deliver and how we assign and balance our resourcing to support delivery while balancing affordability.

Our Delivery Program outlines a 4 year program that Council commits to delivering within the resources available. It translates the Plan's goals into clear activities and actions. Our Operational Plan is Council's annual action plan which contributes to our 4 year Delivery Program. It outlines what Council proposes to deliver in 2022 to 2023 along with which area of Council is responsible for delivery. The Operational Plan includes the Statement of Revenue Policy and Statement of Waste Management and is implemented with a supporting annual budget to fund the necessary work.

Our Resourcing Strategy enables us to implement these plans with the appropriate human, capital and asset resources. It consists of 3 interrelated plans; the Long Term Financial Plan, Strategic Asset Management Plan and Workforce Management Strategy which provide more detail on the financial, asset and workforce matters that Council is responsible for.

Council, also in accordance with the Local Government Act 1993 and other applicable legislation, charges and recovers approved fees and charges for any services it provides as contained within its schedule of fees and charges. As with the Delivery Program, Operational Plan and Resourcing Strategy, Council cannot implement these fees, actions, works or budget until they have been on public exhibition, submissions considered and adopted by Council.

Additional Special Variation

The Independent Pricing and Regulatory Tribunal (IPART) has approved Council's application for a one-off additional special variation. This will see the less than anticipated 2022-2023 rate peg lift from 1.3% back to the instructed figure of 2.5% and is reflected in the Schedule of Rates and Charges 2022 to 2023 **(ATTACHMENT 3)**. This outcome will assist in delivering planned services to the community and closing the financial sustainability gap that is being driven by the implications of the COVID-19 pandemic and recent weather events.
The proposed rates and charges reflect those included in the amended Statement of Revenue Policy which will be included in the revised Operational Plan 2022 to 2023

as outlined in **(ATTACHMENT 2)**. Legislation requires the rates to be calculated using 1 July 2019 base date land values.

COVID-19 and other Natural Disasters

As was the case last year, Council developed and prepared the Integrated Planning and Reporting documents at a point in time. Like all organisations, communities and individuals we have and continue to adjust our thinking and planning to respond to COVID-19 and other natural disasters.

These documents were prepared in times of increased uncertainty which are subject to change as we adapt, revise and re-baseline our work programs as circumstances evolve.

Public Exhibition and Submissions

During the public exhibition period 12 submissions were received with a summary of submissions outlined in **(ATTACHMENT 1)** and recommended changes to the documents, where deemed appropriate from community submissions or administrative corrections detailed within **(ATTACHMENT 2)**.

Further detail on the public submissions and exhibition process is outlined under the consultation section of this paper.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for Port Stephens Council for 2022 to 2023 at 2.5%. The outstanding rates and charges interest rate will be the maximum rate as determined by the Minister for Local Government.

Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

At the time of drafting the Long Term Financial Plan as part of the Resourcing Strategy a Consumer Price Index (CPI) of 3.5% had been assumed. During the public exhibition period, the ABS released a new CPI figure of 5.1%. The Materials and Contracts assumption has now been updated to 5.1% to reflect this change, resulting in a flow-on effect on the long-term financial outlook. These changes are reflected in the amendments to the Resourcing Strategy **(ATTACHMENT 2)**.
The cost of printing the revised documents can be substantial. For this reason, a limited amount of copies will be produced (following Council adoption of the proposed

amendments) for inspection at Council Libraries and Administration Building. The documents will also be available on Council's website.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and report activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021. Sections 402 to 406 and 608 to 610 of the Local Government Act outline the specific requirements for developing the IPR documents and Fees and Charges.

In summary, under this legislation and guidelines Council is required to:

- Engage with the community and review the Community Strategic Plan before 30 June following the Council election.
- Prepare a long-term strategy (Resourcing Strategy which includes the Long Term Financial Plan, Workforce Management Strategy and Strategic Asset Management Plan) for the provision of resources required to perform its functions.
- Establish a new Delivery Program after the Council election to cover the principal activities of the Council for the 4-year period commencing on 1 July following the election.
- Have its Operational Plan adopted before the beginning of each financial year and detail the activities to be engaged in by the Council during the year as part of the Delivery Program covering that year.
- Set its Fees and Charges prior to 1 July 2022, and make the rates prior to 1 August 2022.
- Publicly exhibit all of the IPR documents and Fees and Charges for a period of at least 28 days, considering submissions prior to adoption of the final documents.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's IPR documents and Fees and Charges may not comply with legislation leading to a loss of Council's reputation.	Low	Staff cross reference legislative requirements of the documents with the Office of Local Government requirements as best as possible.	Yes
There is a risk that Council does not have an understanding of community priorities.	Low	The Community Strategic Plan has been reviewed and revised based on integrated engagement over the past 20 months.	Yes
There is a risk that Council does not have the resources to meet its Delivery Program and annual Operational Plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy. Financial sustainability continues to remain a key focus for Council.	Yes
There is a risk that the Operational Plan and Resourcing Strategy (containing the Long Term Financial Plan) which include the budget for 2022 to 2023 is not adopted in the timeframe required to implement the budget and raise Rates and Charges from 1 July 2023.	High	Adopt the recommendations.	Yes
There is a risk that failure to make and serve the Rate Notices by 1 August 2022 will defer the due date for the first instalment payment to 30 November 2022 adversely affecting cash flow.	High	Council will make Rates and serve Notice before 1 August 2022.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

As required by the Local Government Act, the Integrated Planning and Reporting documents and the Fees and Charges 2022 to 2023 were developed and reviewed in accordance with the principles of equity, social justice and sustainability. The Plan has been developed in alignment with these principles addressing social, economic, environmental and governance factors (quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment and Our Council. The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and the Operational Plan.

CONSULTATION

Consultation with internal and external stakeholders has been undertaken in accordance with Council's Community Engagement Strategy to develop the final documents. This has included:

Internal

- Input on key priorities from Councillors was sought at a workshop in February 2022.
- The draft documents were developed in consultation with the Senior Leadership Team and discussed as part of a workshop with the Combined Leadership Team.
- A cross Council project team was established to guide the development and integration of various facets of the IPR documents from community engagement to finance, workforce to assets. This team will continue to monitor the progress of the documents following their formal adoption by Council.
- Responsible officers from across Council have reviewed the Fees and Charges.
- Proposed changes to the final documents have been discussed with the Executive Team, relevant Section Managers and staff, which has included detailed input from the sections responsible for Finance, Assets and Strategy & Environment.

External

Council has an integrated approach to engaging with the community, engaging on a number of fronts since 2020 to help inform the review of the Plan and associated documents. Over the past 20 months, Council have been talking with and listening to our community on various projects and plans to understand the aspirations and priorities of Port Stephens. Council has taken a phased approach, delving deeper into what we have heard to make sure we clearly understand what the community is looking for in the future. This has been through:

Phase 1 – Broad engagement, base data collection:

- Liveability Index Survey: conducted September to December 2020. 3700 surveys were completed on community values and priorities.
- Youth Strategy: adopted November 2020. 450 people were involved in an 18 month consultation phase.
- Our Incredible Place Strategy: adopted 24 November 2020. 327 people were involved in a 12-month consultation phase.
- Coastal Management Program Stage 2: completed November 2020. 3 webinars were conducted with 208 views.
- Wellbeing Strategy Engagement: conducted over April to May 2021. 177 survey responses received and 48 workshop attendances.
- Community Satisfaction Survey 2021: conducted over May to June 2021. 2187 survey responses received.
- Economic Development Strategy: adopted 26 October 2021. 286 survey responses were received and 12 key partner consultations occurred.
- End of Term Report 2017 to 2021: updated the community on how we were progressing with achieving the 2018-2028 Community Strategic Plan. Noted by Council in October 2021.

Phase 2 – Targeted engagement, deeper dive:

- Targeted place workshops: conducted over September to December 2021. 224 expressions of interest, 12 workshops, 191 workshop attendances.

Phase 3 – Community check in:

- Community Strategic Plan check-in: conducted from 28 February to 14 March 2022 involving a pre-recorded video, Facebook live event, online survey and photo competition:
    - promoted via 4 Social media posts.
    - the Facebook live event reached 4,500 people with 115 comments and 174 reactions.
    - the pre-recorded video received 113 views.
    - the online survey received 59 survey responses.
    - the photo competition received 23 entries.

Phase 4 – Public Exhibition:

Occurred from 28 April 2022 until 5pm on Thursday 26 May 2022.

Exhibition of the documents and opportunities to make a submission were promoted on Council's website, social media and in the local paper. Hard copies of the documents were also made available at the Administration Building and Council's Libraries, with submissions able to be made via mail or email.

Council received 12 community submissions with nearly half being from residents and the other half from organisations.
We value the time and effort taken by community members in reviewing the documents and providing submissions. As some of the submissions were lengthy, not every point raised has been listed, with key issues summarised as shown in **(ATTACHMENT 1)**. Contact will be made with applicants to close the loop on queries raised in their submission.

Councillors have been provided with a full set of un-redacted submissions available in the Councillors Room for their consideration. For privacy and consistency reasons, full submissions have not publicly been made available.

Submissions have been reviewed by the Executive Team, relevant Section Managers and staff for key issues. Submissions topics ranged from the need for a performing arts/museum facility through to the importance of providing/planning for shade in reducing skin cancer. A number of recurring topics that occurred in the submissions were relating to:

- Capital Works: timing, cost and prioritisation.
- Place Planning Engagement: need for further engagement.
- Community Strategic Plan Indicators: Liveability Index is good for community perception, although real/tangible measures of success are also needed.
- Our Environment (Focus Area): more delineation between action by Council on carbon neutrality/climate change concerning Council facilities and also efforts to assist the community on these matters.

Recommended changes to the documents, where deemed appropriate from community submissions or administrative corrections are detailed within **(ATTACHMENT 2)**.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Summary of submissions.
2) Recommended changes to the Integrated Planning and Reporting documents.
3) Rates and Charges 2022 to 2023.

COUNCILLORS ROOM

1) Copy of submissions.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

Integrated Planning and Reporting Documents 2022 to 2032 including Fees and Charges 2022 to 2023 – Public exhibition submissions

No.	Author of submission	Comment	Council response
			Council values the community's detailed responses to the draft 2022-2032 Integrated Planning and Reporting (IPR) documents and Fees and Charges 2022-2023. Whilst Council has attempted to capture the key issues raised, not every comment has been addressed directly in the summary.
1.	Resident EDRMS 22/124441	• Need for a performing arts/museum facility for Port Stephens. Would attract arts groups to come to give performances. • Lake Macquarie's new Multi-Arts Pavilion is a good model to examine.	Noted. Feasibility and costs for a performing arts/museum facility for Port Stephens have not been established or quantified. This concept would require further investigation and feasibility should Council see this as a key priority.
		• Well researched that arts and cultural activities nurture us as human beings and contribute to the making of civil societies; important for people's mental health and wellbeing. This was recognised during the height of the COVID pandemic by funding being made available to arts groups from the NSW State Government's "Create NSW". It was also recognised during this time that the arts create employment opportunities for a wide range of people, and generate billions of dollars in revenue for the Australian economy.	Port Stephens Council has developed the Our Incredible Place Strategy that sees Council and our diverse community work together to co-create the future, while honouring all sectors that contribute to the culture of where we live; Worimi people and land, heritage of local places, the makers and creators, business and tourism. The Strategic Arts Committee is a Council advisory committee which helps shape the future of arts in Port Stephens and assists with the formulation of policies and plans on arts and culture, including the Our Incredible Place Strategy. More broadly, the committee plays a role in building and maintaining relations with other community members interested in local cultural development. It also identifies future training opportunities that might support the work of local organisations involved in the planning and delivery of cultural related activity.
		• Couldn't find a reference in the CSP that bears any relationship to a proposal for a facility for performing arts.	Noted. The Community Strategic Plan is a broad plan which outlines our Community's Goals and Strategies of how Council and Our Partners will deliver on those Goals. The Delivery Program and Operational Plan provide more of the detail of how Council will contribute to (what it

			reasonably able to) the Community Strategic Plan. This concept would require further investigation and feasibility as outlined in the responses provided herein by Council.
		• Potential to establish an arts precinct on the site of the Tomaree Lodge – bringing together the current Arts Centre into an art gallery, museum, performing arts facility, shops, cafes, picnic areas and holiday and permanent accommodation.	The Tomaree Lodge site is owned by NSW Government. Council is willing to assist associations with advocacy to other levels of government to fund opportunities to further develop the business case and feasibility for an arts precinct on the site of Tomaree Lodge.
		• Exorbitant fees for the one and only purpose-built performing arts venue built under the "school halls" stimulus program in the LGA.	Council has a Community Funding Program with a range of grants available for cultural projects and can be used to offset fees and charges associated with hall hire, for example. Whilst this program is not administered by Council, we have recently amended the Port Stephens Local Environmental Plan 2013 to remove the need to get a development approval for the use of school halls for events such as performing arts shows, exhibitions and the like. This change has unlocked the use of existing infrastructure to provide opportunities for performance art to benefit the community.
		• Provided feedback for 12 years that a decent performing arts facility is required, but feedback is not valued or received as much attention as those who want more sporting facilities.	From the Our Incredible Place strategy, projects such as town centre revitalisations, new sporting facilities and park upgrades will need to consider how the space can be used for events, how public art can be integrated, how it creates spaces for people gatherings and how the new infrastructure can support the cultural stories of Port Stephens. Council invests, and is responsible for, the design, delivery and management of community infrastructure in the public domain. Quality public infrastructure and public spaces that strive for design excellence is embedded with culture. This relationship enables participation in the events, the arts and culture and effects how the spaces function and attract people. Feasibility and costs for a performing arts/museum facility for Port Stephens

			have not been established or quantified. This concept would require further investigation and feasibility should Council see this as a key priority.
		• Concerned at disproportionate ratepayer's money being directed time and time again to sporting and recreation facilities at the expense of cultural projects. Given the demographic of aged people in the LGA, there is a significant number who will not benefit directly from many of these (sporting and recreation) initiatives.	Council will continue to seek grant funding opportunities to enable the delivery of arts and cultural activities. No amendments to IPR documents required.
2.	Resident EDRMS 22/127564	Commenting on the SAMP: • Council 'has given residents countless opportunities and choice on the priority of funding for a wide range of projects over the last few years'. • Shame that all of the feedback hasn't filtered through to the essential work of Council – a long list of vital road and drainage work reappears for 2022-2032.	Noted.
		Example: 1. Upgrading drainage in Stanley Street in 2009 was $80,000 now $350,000 in 2022.	Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government. Council's Capital Works program continually changes as additional grants are gained. This reprioritises the whole program. Future projects are only desktop estimates based on net present figures (current costs). As the project develops the estimates are refined with current market rates.
		2. Construction of secondary drainage outlet from Cookes Parade reserve to the boat ramp was $30,000 in 2009, now $100,000 in 2022.	The response is the same as immediately above.
		• Transparency is required about how long a project has been on the Capital Works list. The program needs to address asset deterioration and backlog. • Delay in projects has a real impact on residents in terms of urgent flooding and road safety risks.	Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government. Council's Capital Works program continually changes as additional grants are gained. This reprioritises the whole program. Future projects are only desktop estimates based on net

			present figures (current costs). As the project develops the estimates are refined with current market rates. No amendments to IPR documents required.
	Resident EDRMS 22/140485	• Comment on the SAMP Capital Works project "2022-23 Drainage Assets John Parade Lemon Tree Passage: demolition of dwelling on Council owned land and earthwork/landscaping $100,000". An unusual project to be funded by ratepayers and without further identification appears to relate to a recently renovated house that was last sold in 2021 for $600,000. • Seek answers regarding: – Why this project appears in the current capital works and has been prioritised over other urgent drainage projects? – How does this meet Council's aim to increase drainage capacity in Lemon Tree Passage?	Council recently purchased and is converting this lot into a drainage detention basin as part of Council's drainage infrastructure. John Parade drainage works have been in the Capital Works Program previously with the first stage set for 2022 to 2023. The dwelling was flooded during large storm events and hence the priority for these works were considered high. Purchasing the property and converting it into a detention basin will increase the capacity in this drainage system. No amendments to IPR documents required.
3.	Residents EDRMS 22/134640	• Petition of 41 signatures requesting that Council act to reconstruct and provide kerb and guttering to the 200-metre unfinished section of Wychewood Avenue between Eagle Lane and Strathmore Road, Mallabula. • Residents outlined that Wychewood Avenue is a main bus route, which subjects their homes to excessive vibration. Buses set down on the rough gravel verge, creating difficulties for disabled people and children.	Council resolved to receive and note this matter as part of an Information Paper on 24 May 2022. Relevant information from the Information Paper is below: • The draft Capital Works Program within the 2022 to 2032 Resourcing Strategy has this upgrade scheduled for 2030 to 2031 with a desktop current value estimated at $830,527. • Staff are currently looking at temporary options to widen the road pavement with an asphalt strip, providing a short term solution until the upgrade is undertaken in 2030 to 2031. • The current Contribution to Works for Kerb and Gutter Construction Policy will require the residents to contribute towards the introduction of concrete kerb and gutter. • Without an increase in funds, moving this project forward would result in other roads projects in Capital Works Program being deferred to a later date. No amendments to IPR documents required.

4.	Organisation – Climate Action Port Stephens EDRMS 22/140029	• Acknowledges CSP themes are reflective of comprehensive engagement and representative of key issues of concern to the community.	Noted.
		• Commend Council on specific metrics/indicators for success, however: – E1 Ecosystem Function - degree of environment protection shouldn't be measured by community opinion in the liveability index. Needs to be measured by the net increase in biodiversity, vegetation, urban canopy etc. across the LGA. Recommend: additional air monitoring stations; urban heat island studies; water quality included as a metric and environmental education measure by reach/number of participants.	Council welcomes the community's interest and input on these Indicators. A range of Indicators other than the Liveability Index have been included as part of the Community Strategic Plan. The challenge for Council and many other Councils is having data that is available, relevant and can be measured over time. Unless specifically mentioned below, Council undertakes to investigate the ability to collect and report on the measures and data suggested for E1, E2 and E3 in this submission. Where appropriate, Council will report on additional measures and data in future reports to Council.
		– E2 Environmental Sustainability – Council should implement innovative strategies to incentivise sustainable practices (eg. water recycling in new residential areas, shared community battery storage and solar networks, enhanced circular economy facilities Recommend: ○ Indicators for reduced energy usage should include the energy source; ○ study to capture energy exported back to the grid and in battery storage to be used in Council facilities; ○ more nuance around non-recyclable garbage; ○ Indicator for number of trees planted should be a year on year increase; ○ Indicator for bushland regeneration measured by net increase instead of maintenance level and specific target set; and ○ additional Indicator for the degree of urban tree canopy in suburbs	Council is currently undertaking a carbon neutrality study which will look at the energy exported back to the grid. Over the next few years Council will investigate the collection and breakdown of data on waste. Council is currently in a transitionary phase having adopted our Waste Management Strategy in late 2021, changing how we treat our mixed organic waste and soon to rollout our third bin system. When a number of these elements have been implemented and we've established solid data which is meaningful we will report this back to Council and the community. Council only has a limited number of hectares which it regenerates. A measure which includes a year on year increase would therefore not be appropriate, with the word 'Maintain' more suitable.
		– E3 Environmental Resilience – misalignment of aspirations within this theme. Community keen to understand how Council will assist in climate change	Council will investigate the opportunity to prepare a comprehensive Climate Change Strategy which will include considerations of a Carbon Neutrality

		adaptation/resilience and what steps it will take to act. Recommend: 2 separate targets and actions for adapting to the effects of climate change and Council doing its part in preventing further impacts.	Policy, Coastal Management Program and other relevant policies. No amendments to IPR documents required.
5.	Organisation TRRA 22/140434	Have not been able to examine the documents in detail, however, provide the following comments: • Financial Sustainability (LTFP) – Supports the establishment of the Financial Sustainability Committee. – All 3 scenarios include Airport dividend of nil for the next 10 years – this appears pessimistic – Not make comments at this stage on the proposed financial plan for the next 12 months as this is a holding budget until the State Government has approved the request for a 2.5% rate cap for the coming year and the report from the committee is made public.	Noted. The most optimistic projection is that airport dividends may commence again in the 2023 to 2024 financial year, although at this stage the quantum of those dividends cannot be estimated. IPART has since announced the approval of the ASV application. No amendments to IPR documents required.
		• Capital Works 2022-2032 (SAMP) – Worimi Park, Stockton Street – 2023-24 a carpark is proposed to be constructed for $850,000. Would like a brief on this project and note it is also recorded in the unfunded projects p 133 at a cost of $770,000.	Action – Council's Asset Manager has contacted the author of the submission to discuss the various issues raised. Administration error. Action – Minor amendment to document, refer to Attachment 2.
		– Seabreeze Estate drainage works - $850,000 planned for 2022-23, is this the final expense? The project continues to be a liability.	Future works are required for a pump station. No amendments to IPR documents required.
		• Workforce Plan (WMS) – 4 Strategic Objectives, however no mention of exit interviews or why staff are leaving. If data is available it should be included in the report. If not undertaken it would be a useful exercise.	Exit interviews are offered to all staff, most of which take up the opportunity. 3 common reasons employees have left Council in the past 12 months include: • Career Growth / Progression • Retirement • To secure permanent employment Council's voluntary turnover for the year ending 1 June 2021 to date was **11.66%** which is lower than the industry average of 14.3% however is still at a healthy level. Action - Amendment to document, refer to Attachment 2.

		• Community Strategic Plan – Objectives are at a high level and could be considered 'motherhood statements'. – Commends Council's commitment to Key Priorities of Carbon Neutrality, Coastal Management Program and the natural environment.	Noted. The Community Strategic Plan is the highest level strategic plan that a Council will prepare on behalf of its community establishing goals that the community aspires to achieve. More detail on the action proposed to be taken by Council, in contributing what it can towards the Community Strategic Plan, is contained within Council's Delivery Program and Operational Plan.
		– Note community engagement by Council, use of Liveability Index and work in establishing Place Plans, however, concept plans must be presented and explained to the 'person in the street'/nearby business operators and endorsed by the community before being implemented.	Our Place Plan engagement is a phased approach and will check in with stakeholders and community about what is being proposed prior to formal public exhibition.
6	Organisation Lemon Tree Passage Parks, Reserves and Landcare Group EDRMS 22/140490	• Repeat their request to review the priority and advance the timing in the Capital Works for "Mungarra Reserve Boardwalk Upgrades $150,000". • Submission last year on the SAMP reported the movement of the boardwalk foundations when walking on it, large sections of spongy boards, missing edges, rotting timber, rapidly deteriorating in the last few years. • It's an integral part of the scenic walk through Mungarra Reserve stretching 8 kilometres across Council owned parks and bushland, along Tilligerry Creek. • Protects the swamp forest which is a sensitive and significant natural asset protected by state and federal legislation. Council has a legal obligation to protect the vegetation which provides habitat for a variety of threatened species, including koalas and red-tailed black cockatoo. It aids environmental resilience, providing community protection from marine influences and gearing against coastal erosion.	Noted. Mungarra Reserve Boardwalk Upgrades are in the 10 year plan for delivery in the financial year 2027-2028. In accordance with Council's Pathways plan, there is in excess of $80 million of works that Council is seeking funding for. While there is a Council and community desire to complete the missing links and build more new pathways, funding is currently not available. Council sees these boardwalks as a valuable asset for all to use. Unfortunately, the funds are not present for the maintenance and upgrade as required. Action – Council's Asset Manager will contact the author of the submission to discuss this further. No amendments to IPR documents required.
		• Disappointing that condition rating hasn't changed in the SAMP.	Every year as part of Council's asset inspection program reviews the risk, condition and functionality of an asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government. No amendments to IPR documents required.

ITEM 1 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

7	Resident EDRMS 22/140524	• Comments on draft CSP. Concern that it is relying predominantly on the Liveability Index PX scores to measure success and will observe only perceptions of success and not actual improvements in the areas of concern to the community. • Recommends measures (as below) that are real and measurable and not identified by perception	Council welcomes the community's interest and input on these Indicators. A range of Indicators other than the Liveability Index have been included as part of the Community Strategic Plan. The challenge for Council and many other Councils is having data that is available, relevant and can be measured over time. Unless specifically mentioned below, Council undertakes to investigate the ability to collect and report on the measures and data suggested in this submission.

Community Indicator	**Proposed Units of Measure**	
Our Community		
Local community groups and organisations	Number of people actively engaged	Council will investigate.
Childcare services	Number of places available Map densities and inequality of services across the LGA	Noted. Council maintains data on Council operated childcare services. Council can only provide information of available places to services currently run by Council. Establishing a map of densities and equality of services across the LGA would require further investigation with the many other service providers across the LGA.
Access to community services	Map cycleways and public transport catchments to important community and commercial assets, measure increases in connectivity	Council is currently working on a prioritisation framework to identify where to focus efforts on reducing the missing links in the pathways network. This will be based on the ability to connect people from homes to public transport and local centres.

Levels of volunteering in the Community	Data on hours volunteered (ABS)	Noted. Due to the expansive nature of volunteering roles across the LGA, there is no central mechanism to capture Volunteer hours.
A cultural and artistic community	Number of events, businesses, activations, engagements Number active in these industries (ABS)	Council will investigate. Add an additional measure 'Number of active businesses in the 'Heritage, Creative & Performing Arts' category. Data source ABS …. ' Action – amend IPR document.
Local history	Indigenous views of success	A proposed Indicator exists in the CSP which looks at '% Actions completed or commenced in the Yabang Gumba-Gu Plan'. Council's Aboriginal Strategic Committee helps to direct Council's focus including the delivery of the Yabang Gumba-Gu Plan.
Our Place		
Locally owned and operated business	Number	Council does not have access to reliable data to report effectively on this proposed measure.
Local business that provides for daily needs	Number	Council will investigate.
Things to do in the evening. (This is measured twice, under Strong Economy and Liveability)	Number (include a wide variety from free to youth)	Council will investigate.

		Economic Growth (GDP)	Not as effective in reflecting positive economic outcomes as compared with: – meaningful employment growth, – % of the economically engaged population, – % of SME's that last beyond 5 years, – wage growth compared to the cost of living/accommodation, – youth retention	Council will investigate.
		Unemployment Rate	Differentiate between unemployment rates, underemployment and youth unemployment	Council will investigate further data available for youth engaged in education and employment.
		Number of jobs	Don't compare to region. Specialised industries we champion.	Council will investigate and update where possible following release of the Census data.
		Infrastructure and facilities	Asset register of infrastructure and facilities and work towards providing increased services across the LGA.	Council has a register which informs and is used to improve its services to the community within a limited budget.
		Spaces for groups or community activities	Measure in m² (Compare changes to efficiency or space provision per capita)	Council already has data for Council built infrastructure and maintained recreation areas which is used as part of the management of assets. However the pure measure of this data would not necessarily provide a meaningful indicator over time.
		Facilitate Emergency Management Committee	Policies and procedures are up to date (including risk mitigation for contemporary issues (i.e., climate change)	Noted. Ensuring the policies and procedures are up to date are encompassed in Council's Delivery Program under P3.4.1 as

				part as the wider Emergency Management Framework that Council provides. Council continues to work with emergency services and relevant support agencies to ensure that contemporary issues are addressed.
		Our Environment		
		Ecosystem Functions	Improvements to ecosystem functions (based on best practice)	There are a number of factors that impact ecosystem function which is why we have a subjective measure and have covered a number of these in the indicators.
		Environmental Sustainability	Differentiate between renewable and non-renewable energy sources	Council will investigate this further.
		Carbon Neutrality	A realistic target for the term of Council (More information is required for the community on the steps and goals of Council, not just 100% met or not). Methods Council is working to assist the community to achieve Carbon Neutrality.	Council is currently preparing a Carbon Neutrality Strategy which will set targets that can then be included in the report back on this in several years time. Noted. This will be investigated at the conclusion of the above Strategy and will include other levels of government in the approach.
8	Resident EDRMS 22/140681	• Comment on SAMP - drainage on Morton Avenue, Lemon Tree Passage which would like to see improved. • Recently built dwellings have impacted the amount of water gushing down Morton Avenue causing considerable flooding and huge potholes on a regular basis. No kerb and guttering an issue. • Advised Council of the issue and some work done to ease the situation but still causing bogging when driving into driveway.	Council shall investigate this further, however it does prioritise capital works in accordance with the risk, condition, safety and functionality of the asset. With the largest driver for a high capital works project being the availability of external funding from other levels of government.	

9	Organisation Cancer Institute NSW EDRMS 22/140945	• Comment on CSP and DP regarding shade and UV protection. • The Institute is responsible for the delivery of the NSW Cancer Plan and reducing the incidence of cancer in NSW. Works closely with stakeholders (health and built environment) to reduce the incidence of skin cancer and improve access to adequate shade • The Institute is committed to supporting Council to reduce skin cancer and improve access to adequate shade in our LGA, providing a submission which: – outlines the importance of well-designed shade for the prevention of skin cancer – offers specific comments and suggestions regarding the draft CSP and the DP – provides further information and contacts to assist Council in budgeting, planning, designing and constructing good quality shade. • As of 2017, the incidence rate of melanoma skin cancer in our LGA is higher than the state average. In addition to personal protective behaviour, there is evidence that well-designed and correctly positioned shade, from both natural vegetation and built structures.	Agreed and noted. Council notes that a similar submission from the Cancer Institute NSW has been provided to other Councils also.
		• Concerned that shade is not mentioned in the CSP. Recommends that the importance of built and natural shade to the community is at least measured in the 'Community Indicators' of: – 'P2 Infrastructure and facilities' at p33 by the addition of: *'I can find* shade in public places when I need to' and	Council is guided by the Australian standards for Assets and the community's desire for facilities. Council staff agree that shade is important and that there should be more available, however Council can only supply with the resources available.
		– E2 Environmental sustainability at p37-8 by the addition of: ○ '*Urban Tree Canopy coverage'*. (If this can't be measured for the whole LGA, at least in key public places with high visitation)	Council will investigate this further.
		○ the measure of shade in 'landscaping and natural elements (street trees, planting, water features etc.)'	When we're rehabilitating or designing new recreational areas, shade in the way of hard shelter and trees is a major consideration.
		• Provision of built and natural shade should be budgeted for as a key component in each of the following sets of Activities in the *Delivery Program*:	Council's budgeting is compiled according to individual projects and needs.

		– P2.1.1 to P2.1.4	Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government.
		– P3.3.1 Develop and implement Place Plans for key locations	The development of Place Plans includes significant community consultation to gain a detailed understanding of how individual places can be improved. Shade has become a focus in some centres and will inform actions for future place plans.
		– E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies	Council's budgeting is compiled according to individual projects and needs. Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government.
		– E3.1.1 Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks	Council's budgeting is compiled according to individual projects and needs. Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government.
		• Recommend that the CSP and DP recognise the UV hazard experienced through most of the year at beaches and waterways, often in the extreme range. Council should strive to provide more well-designed shade close to these beach and waterway areas, to help give residents and visitors better choices in protection against over-exposure to UV radiation. Evidence is provided to support this in the submission.	Council acknowledges that shade is an important part of place and our infrastructure.
		• Recommends that Council, CSP and DP recognise well designed and natural shade: – as an asset – should be provided in all public spaces – is a natural hazard akin to heatwaves, floods and bushfires – needs dedicated planning and budgeting	Noted. Refer previous comments above.
		• Draft Hunter Regional Plan recognises the role and importance of shade in public spaces and contains a specific Strategy to require the provision of	Noted. Refer previous comments above.

		shade in development proposals. This is a further reason for shade to be recognised in the CSP.	
		• Offer to assist Council in the planning, design and construction of shade and provided additional information as resources.	Action – Council's Asset Manager undertakes to investigate these matters further in consultation with the Cancer Institute. No amendments to IPR documents required.
10	Organisation Tilligerry Community Association EDRMS 22/141798 (received after close)	Comment on CSP • Tilligerry community had smaller responses in the Liveability Index than nearest neighbour Salt Ash. Would like to discuss this further.	Tilligerry Peninsula had more surveys completed (125) than Salt Ash and surrounds (105) but was a smaller percentage of the area population. Survey completion was voluntary and participation in the Liveability Index was promoted to all areas of the LGA including Tilligerry and Salt Ash in the same manner. Council staff will organise to meet with Tilligerry Community Association to discuss the Index further.
		• No dispute about Key Directions or Strategies	Noted.
		• Our Environment – have seen very few environment education initiatives	Educational initiatives were impacted by COVID-19 restrictions. The Natural Systems team is currently organising a number of educational events and is preparing to re-start the environmental newsletter.
		• Question the 7508 trees planted – is this correct?	Figure quoted is correct.
		• Question bush areas regenerated figure of 149 ha - reluctant to call it rehabilitated, suggest wording is '149ha worked on'	Noted. This will be investigated further.
		• Street trees–tried very hard to replace the community/street trees in Tanilba Bay mowed down by sand mining in the1960s, not a tree in the ground	Council is developing a program to look at urban greening initiatives/street trees.
		• Sadly there are a lot more weeds	Council undertakes weed control programs on Council owned land. Any areas of concern should be reported to Council's Natural Systems team.
		• When is the fence destroyed near the new skate park at Mallabula Sports Complex going to be repaired? Occurred 2 months ago.	The fence has been repaired and will continue to be repaired following ongoing vandalism. Counncil's Maintenance Manager has spoken to the author of the submission to address.
		• Like Fingal Bay and Taylors Beach, feel the overlapping Place Planning workshops should have been better planned so something was done in every town instead of the favourites.	Liveability workshops were held across all parts of the local government area, to gain a deeper insight into the feedback received through the Place Score Liveability Survey. Information

			received through the workshops will help to inform future works, events, and infrastructure across all areas of Port Stephens. These workshops also fed into Councils program of Place Planning. Place Plans are developed to support those areas where significant change is expected and are prioritised depending on the expected timeframe for that change. No amendments to IPR documents required.
11	Organisation Shoal Bay Community Association Inc. EDRMS 22/144223	Congratulates Council on the landscaping works undertaken last year on the Shoal Bay (SB) foreshore. Members attended the Shoal Bay place planning workshops and have provided the below submission for Council consideration in finalising the Shoal Bay place plan and also for the CSP. Shoal Bay is one of the most beautiful places on the east coast and recommend a few simple things to enhance experience of residents and visitors such as: <u>Short term</u>	Noted.
		• A seat at the end of the Headland looking over the ocean facing northeast	This land is not owned by Council, however officers can refer the request to the relevant owner in the State Government.
		• Re-opening of the public toilets at the Headland (shut due to COVID) • Acknowledge that these toilets are not the responsibility of PSC however considering that they are there and operable why not	Council currently has 2 amenity blocks at Shoal Bay foreshore, however the toilet block at the end of the headland is owned by the State Government and is not in Council's control. Council will contact the NSW State Government and advocate on behalf of the resident.
		• Restoration of the steps down to the beach where the sea baths were	Noted. Agree, with works to be completed in a prioritised order to repair Council asset.
		• Inclusion of an outdoor shower attached to the existing amenities block next to the Shoal Bay boat ramp (a popular spot in summer)	Noted. This will be further investigated.
		<u>Medium term</u> • Roads and drainage – the most important issue is drainage which includes an unsatisfactory discharge of stormwater. A lack of kerb and guttering exacerbates the issue throughout Shoal Bay and the Association would like to see a plan which outlines the work required to address this issue. It is acknowledged that it would be an expensive capital outlay and on-going commitment by Council the State and Federal Governments would be required,	Council has a drainage study and plan. This is currently unfunded. Action - Council staff will meet with the Association to further explain the future plans.

		but the community needs to see a plan to understand the financial commitment required.	
		Recommend: Reconstruction pavement on Tomaree Road be included as a Key Road Project in the current 2022 - 2026 Delivery Program.	Capital works are prioritised based on risk, condition, safety and functionality of the asset. It should be noted that the largest driver for a high priority capital works project is the availability of external funding from other levels of government. The next stage of the road is scheduled for 2026 to 2027.
		• Built environment – Supports the current controls, with greater emphasis on design excellence and quality building.	Noted. Council has established an Urban Design Review Panel which considers such matters.
		• Shoal Bay Coastal Plan – keen to put forward views when consultation process is underway for the Coastal Management Plan. • Emergency works need to be addressed in terms of erosion to the western side of Shoal Bay boat ramp.	Noted. Stage 3 of the Coastal Management Program process will commence in the third quarter of 2022 and will involve community consultation. Maintenance works are undertaken in a priority order. Unfortunately sand replacement is the only approved works allowable until the Coastal Management Process Program is completed.
		• Tomaree Headland - Council should be pro-active and plan to become the Land Manager to the satisfaction of Council otherwise the site will remain redundant for years.	Council is in active consultation with the NSW State Government regarding the future management of the Tomaree Headland site. The Department of Communities and Justice are currently preparing a Conservation Management Plan (CMP) that will inform the future use, and management options for the site. Council recognises the community's interest in the site and will continue to advocate for its effective long term management.
		• Landscaping and Park Maintenance – the road into Shoal Bay could easily be enhanced (by clearing dead vegetation) to be one of the most scenic views in the country.	Council prioritises works based on risk, condition, safety and functionality of the asset. Unfortunately this work is not a high priority at this time relative to other areas of the Local Government Area.
		• Commend Council groundsman on upkeep of SB landscaping works so far. To continue to maintain it to a high standard it needs a dedicated team to regularly maintain.	There is a dedicated parks team the "Parks East team" that maintains Shoal Bay foreshore in line with service level agreements.
		• Parking meters – would like to see a business case (including a detailed cost benefit analysis) before any support is considered.	Noted. This is part of the Shoal Bay Place Plan and following analysis this is being considered.
		• Beach Road - currently a gravel road that lends itself to the possibility of extra parking spaces. Keen to discuss this as an option to increase the parking along Shoal Bay Beach.	This land is not owned by Council, however the Association may wish to discuss with part of National Parks & Wildlife Service as part of its Tomaree Coastal Walk Project.

ATTACHMENT 2 - CHANGES TO THE 2022 TO 2023 INTEGRATED PLANNING AND REPORTING DOCUMENTS INCLUDING FEES AND CHARGES FOR 2022 TO 2023

No. of change	Document Title and Page Number (Public Exhibition Copy)	Summarised key issues incorporated in the documents	Recommended changes to the documents
All documents			
1.		Administrative correction - formatting	Delete 'DRAFT' from document covers and footer of all Integrated Planning and Reporting documents including the Fees and Charges.
Community Strategic Plan 2022 to 2032			
2.	6	Administrative correction - update of statistics	Update Aboriginal and Torres Strait Islander Population to '3297'
3.	10	Administrative correction – update currency of message	Update Message from the Mayor as shown in yellow text. Refer **PART A**.
4.	11	Administrative correction - update currency of message	Delete the word 'draft'.
5.	19	Administrative correction – update currency of information	Amend '191 attendees' to '191 attendances' Add details of Phase 4 Community Engagement ' 28 April to 26 May 2022 12 submissions received'
6.	21	Administrative correction - error	Replace 'Port Stephen' with 'Port Stephens'
7.	28	Administrative correction – update Partner's list with additional group	For the Strategy C1.1 insert 'Disability Advocacy Groups' in the list of Our Partners

8.	28	Administrative correction – duplication	Delete performance measure 'Percentage of people who feel they are part of the local community'.
9.	29	Community submission	Add an additional Indicator 'Number of active businesses in the 'Heritage, Creative & Performing Arts' category. Data source ABS '
Delivery Program 2022 to 2026 and Operational Plan 2022 to 2023			
10.	4	Administrative correction	Update currency of Message from the General Manager as shown in yellow text. Refer **PART B**
11.	15, 71	Administrative correction – Update of Service Package name	Update Corporate Reporting to 'Integrated Planning & Excellence'
12.	16	Administrative correction - ASV Determination	Replace 'ASV Paragraph' with 'The Independent Pricing and Regulatory Tribunal (IPART) has approved Council's application for a one-off additional special variation. This will see the less than anticipated 2022-2023 rate peg lift from 1.3% back to the instructed figure of 2.5% and is reflected in the Statement of Revenue Policy. This is a great outcome for Council and the result of this will assist in delivering planned services to the community and closing the financial sustainability gap that is being driven by the implications of the COVID-19 pandemic and recent weather events.'
13.	18	Administrative correction - Materials and Contracts Assumption Updated	Update Expense figures to represent change in Materials and Contracts assumption 'Our Community: $40m Our Place: $238m Our Environment: $122 m Our Council: $185m'
14.	20	Administrative correction – duplication error	Update E2.2.1 to 'Provide a Waste program to support the reduction of the community's environmental footprint'
15.	20	Administrative correction	Update L1.3.2 to 'Deliver the Integrated Planning and Reporting Framework program'
16.	30	Administrative correction	Delete word 'led' and insert 'initiated'

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

17.	53	Administrative correction – function is included within Civil Assets Service Package	Update P2.1.2.1 to include under: • What we deliver 'Provide fleet asset management services' • Delivery Responsibility, Service Package, 'Civil Assets (Fleet)'
18.	58	Administrative correction	Update P3.4.1 to 'Provide an emergency management framework that supports emergency services, other agencies and our community'
19.	58	Administrative correction	Update P3.3.2 to' Provide the community financial assistance program'
20.	62	Administrative correction	Delete text 'Implement the Hunter Strategic Weed Management Plan' as Council delivers on this through its management of biosecurity risks. Update Effectiveness Measure by deleting text 'Bushland Enhancement' and replacing with 'natural asset management'
21.	65 & 71	Administrative correction	Update L1.3.2 to 'Deliver the Integrated Planning and Excellence program'
22.	71	Administrative correction – function is included in the Integrated Planning & Excellence Service Package	Add to L1.3.2.2 under What we Deliver 'A framework for enabling Council to deliver services in the best possible way (Business Excellence)'
23.	72	Administrative correction	Change Delivery Responsibility for L1.3.3.1 to 'Office of Corporate Services Group Manager – Integrated Planning and Excellence'
24.	77	Administrative correction	Replace 'Workforce management plan' with 'Workforce Management Strategy
25.	80	Administrative correction - Materials and Contracts Assumption updated	Replace '3.5%' with '5.1%', however insert text '3.5% beyond 2026'
26.	81	Administrative correction - Materials and	Update projected result figures to represent the change in Materials and Contract

		Contracts Assumption update	assumption. Refer to **PART C** (changes shown in yellow)
27.	87	Administration correction - ASV Determination	Delete option 1 and replace the entire paragraph with Option '2.5%' as per ASV determination. 'IPART has approved Council's application for a one-off additional special variation (ASV) under Section 508(2) of the Local Government Act 1993 for a single year increase consistent with Council's long-term financial plan. As a result, the following will be implemented for the 2022-2023 financial year. • '2.5% increase to ordinary rates.'
28.	89	Administration correction - ASV Determination	Delete Option 1 Table.
29.	90	Administration correction - ASV Determination	Delete the word 'Option 2' and the table to remain.
30.	94 & 95	Materials and Contracts Assumption Update	Update graphs for Expenses to represent changes in the Materials and Contracts assumption. Refer to **PART D** for the Expense Graph.
Resourcing Strategy 2022 to 2032			
31.	350	Administrative correction	Replace 'Port Stephen' with 'Port Stephens'
Workforce Management Strategy 2022 to 2026			
32.	10	Community Submission – clarification on staff turnover and exit interviews	Insert text 'Council's voluntary turnover sits at 11.66% which is lower than the industry average of 14.3%, however, is still at a healthy level. Exit interviews are offered to all staff with the 3 most common reasons employees have left Council in the past 12 months being • Career Growth / Progression • Retirement • To secure permanent employment.'

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Long Term Financial Plan 2022 to 2032			
33.	30, 35, 41, 50 & 56	Administrative correction	Replace 'Workforce plan' with 'Workforce Management Strategy
34.	33, 62, 64, 65, 66, 82, 89	Administrative correction - Materials and Contracts Assumption updated	Replace '3.5%' with '5.1%', however, insert text '3.5% beyond 2026'
35.	33, 63	Administrative correction - Materials and Contracts Assumption updated	Updated projected result figures to represent change in Materials and Contract assumption. Refer to **PART C**.
36.	34	Administrative correction - ASV Determination	Replace 'Pending' with 'approved'.
37.	39	Administrative correction - ASV Determination	Delete text 'The ASV application process will be a simpler more targeted application process aided with more concise guidelines. IPART will make all Council's applications available on their website for community consultation for a period of 3 weeks. Determination will be announced no later than 21 June 2022.' Replace this text '~~Council has submitted an application to IPART to lift the rate cap back to the assumed 2.5% increase to be retained in the rate base by the 29th of April 2022. The additional forecasted income will be used to fund community services as exhibited in the 2021-2022 range of IP&R documents as well as assist in closing the financial sustainability gap driven by the implications of the COVID-19 pandemic on Council's financial position.~~ ~~As a result of the pending application, Council has used a rate cap factor of 1.3% in the conservative scenario and 2.5% in the standard scenario. Alongside the Statement of Revenue Policy encompassing the two rate cap scenarios~~.'

			with the following text 'Council submitted an application to IPART to lift the rate cap back to the assumed 2.5% increase to be retained in the rate base by the 29th of April 2022. On the 20th June 2022 IPART announced the approval of Council's application. The additional forecasted income will be used to fund community services as exhibited in the 2021-2022 range of IP&R documents as well as assist in closing the financial sustainability gap driven by the implications of the COVID-19 pandemic on Council's financial position. As a result of the approved application, Council will implement a rate cap factor of 2.5% in the LTFP and alongside the Statement of Revenue Policy.'
38.	52	Administrative correction - ASV Determination	Remove '*~~estimated figures, pending Additional Special Variation Outcome.'~~
39.	53	Administrative correction - ASV Determination	Remove statement regarding pending application. ~~'Council has availed itself of the opportunity to apply to IPART for a one-off additional special variation. This will see the less than anticipated 2022-2023 rate cap lift from 1.3% back to the instructed figure of 2.5%. As the outcome of the ASV is pending the following assumptions for each scenario is as follows.'~~
40.	56	Administrative correction - Materials and Contracts Assumption updated	Replace '3.5%' with '5.1%' and update paragraph under 6.2.3 Materials and contracts with the following text '**6.2.3 Materials and contracts** Within the draft LTFP a consumer price index of 3.5% had been assumed over the life of the Long Term Financial Plan been based on current economic factors at the time of drafting. It was noted that the assumption may well be insufficient and additional modelling will be required should that be the case. During the exhibition phase the ABS released a new CPI figure of 5.1%. The LTFP has been updated the reflect this change. Clearly

			this will place additional financial pressures on the organisation that will require further management. It is noted that there is, in all likelihood, a flow on effect to wages and salaries, which at this point have not been adequately modelled.'
41.	67-73	Materials and Contracts Assumption Updated	Updated projected financial statements and graphs to represent change in Materials and Contract assumptions. Refer **PART E**
42.	83-88	Materials and Contracts Assumption Updated	Updated projected financial statements and graphs to represent change in Materials and Contract assumptions. Refer **PART F**
43.	90-95	Materials and Contracts Assumption Updated	Updated projected financial statements and graphs to represent change in Materials and Contract assumptions. Refer **PART G**
Strategic Asset Management Plan 2022 to 2032			
44.	144	Administrative correction – incorrect description	Delete 'Pavement Rehabilitation - Tomaree Road - Verona Road to Messines Street, Shoal Bay inc path construction' Replace with 'Pavement Reconstruction. Tomaree Road - Rigney Street to Marine Drive, Shoal Bay.'
45.	151	Administrative correction – duplicated project in Capital Works Program.	Remove text 'Carparking 48A Stockton St and surrounding road verge. (AKA Worimi Park) - Design and Construct at grade parking $770,000.'
46.	212	Administrative correction	Insert text under the heading 'Risk Plan' after the first paragraph 'Council undertook an audit of our stormwater inlet headwalls using the Queensland Urban Drainage Manual (QUDM) and identified a number of assets which were deemed to be of high risk. As a result of these findings works to mitigate these risks have been included in Councils works maintenance plan.'

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

47.	396	Administrative correction	Replace 'Workforce plan 2018 - 2021' with 'Workforce Management Strategy 2022 to 2026'
Fees and Charges 2022 to 2023			
48.	51	Administrative correction	**Printing/photocopying A4** Fee has been increased from $0.20 to $0.22. Amend fee to $0.25.
49.	52	Administrative correction	**Printing/photocopying A4 Colour** Fee has been increased from $0.60 to $0.66. Amend fee to $0.65. **Printing/photocopying A3** Fee has been increased from $0.40 to $0.44. Amend fee to $0.45. **Laminating A4** Fee has been increased from $2.70 to $2.97. Amend fee to $3.00.
50.	64	Administrative correction	**Equipment Hire** Remove altogether as we no longer hire equipment.
51.	117, 118, 119	Administrative correction – OLG Circular 22-16 details increases to companion animal fees for 2022 to 2023	Update Fees and Charges in accordance with **PART H**

PART A

Message from the Mayor

There's no better time than the present ~~to create~~ *Our place. Our plan. Our future*.

With a new team of Councillors on board who've listened to what the community wants most, we're excited to have reviewed the Community's Strategic Plan (the Plan) for the next 10 years. We recognise that Council plays a custodial role in collating the Plan on behalf of the community. Together with a number of partners, we're here to make a difference in the community now and into the future.

We're pleased to hear that the community's vision of a *Great lifestyle in a treasured environment* still rings true – but with the diversity of our community, this vision means different things to different people.

Our place. Our plan. Our future has been developed in collaboration with the community after more than 18 months of integrated engagement – totalling nearly 7000 interactions over this time. Refinements to the Plan are founded on our first ever Liveability Index Survey carried out in September 2020 where over 3700 community members had their say on what they valued most and how they felt their place was performing. ~~Since then,~~ We've then been ~~diving~~ dove deeper through workshops, online surveys, photo competitions and more – to check in on community priorities.

Community priorities of wellbeing, sustainable development, maintenance of roads and open spaces, pathway connections, resilience in the wake of natural disasters, climate change, protection of the natural environment, stronger community engagement, to name a few, have been woven into the ~~draft~~ Community Strategic Plan.

Following the ~~During the~~ public exhibition phase over April/May 2022, we~~'re seeking your final comments on the draft~~ further refined the Plan before ~~it's considered for endorsement~~ being considered by Council ~~at the end of~~ in June 2022. ~~By contributing to~~ *Our place. Our plan. Our future*, ensures that we as a community continue to make a ~~you have the opportunity to make a~~ real and lasting impression on the future of Port Stephens beyond 2030.

Because we all love Port Stephens – it's *Our Incredible Place*!

PART B

Message from the General Manager

This 4-year Delivery Program and annual Operational Plan have been developed through listening to our **community priorities** and values and through the on boarding of a **new Council**. The program and plan consider the **ongoing impacts of natural disasters** and collectively assess what **Council can affordably and reasonably deliver** over this time.

After more than 18 months of engaging with the community on a number of fronts, we ~~propose~~ will investigate and progress a number of **Key Priority projects** from our advocacy program to improving our natural environment and community wellbeing ~~and~~ to carbon neutrality.

Adopting a **place-based approach** is integral to our planning and program, building on the fundamentals and community values established as part of the 2020 Liveability Index Survey.

We~~'ll~~ continue to **reassess what can be delivered** by balancing the resources available through our workforce, finances and assets. The **impacts of COVID-19 and ~~recent~~ weather events** have impacted our operations, with revenue streams down and costs up, which is why we continue to fine-tune our level of service through our **service review program.**

As part of this Council we will continue working to ~~the Financial Sustainability Committee has been formed to provide strategic advice and recommendations by 30 June 2022 on~~ improve~~ing~~ Council's long term financial sustainability ~~by 30 June 2022~~. This ~~The findings of this~~ will be considered as part of ongoing reviews of the ~~will also be considered as part of the~~ Delivery Program, Operational Plan and long term Resourcing Strategy.

The Delivery Program and Operational Plan responsibly translate what Council is able to sustainably deliver from the Community's Strategic Plan 2022 to 2032. These together form our Integrated Plans *Our Place. Our Plan. Our Future*.

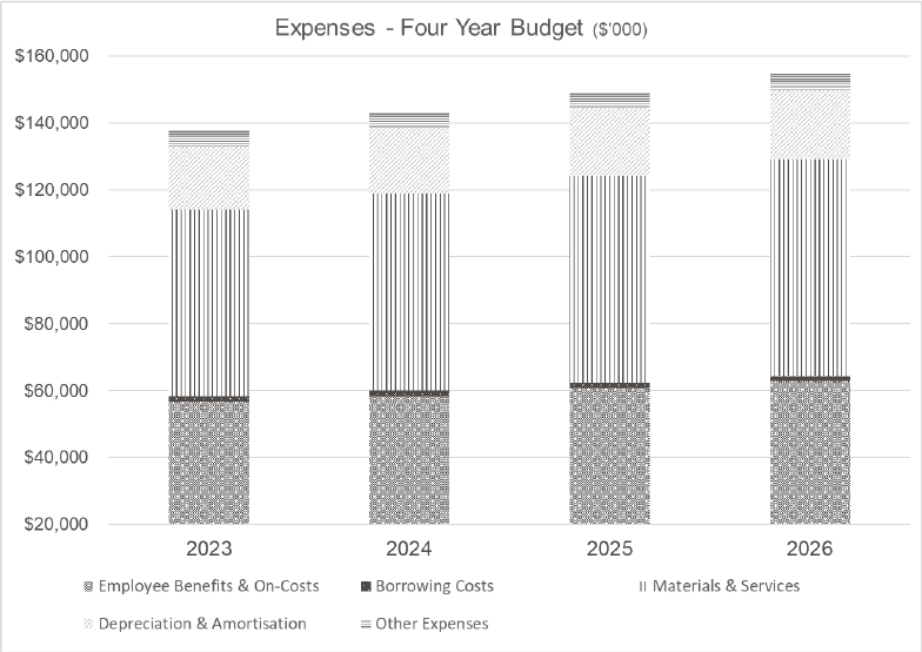
ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

PART C

Projected Result	Conservative	Standard	Strategic
2022-2023	(1,676)	(1,122)	(1,360)
2023-2024	(3,682)	(2,925)	(3,071)
2024-2025	(5,449)	(4,667)	(4,767)
2025-2026	(6,467)	(5,684)	(6,719)
2026-2027	(8,918)	(8,161)	(10,230)
2027-2028	(9,982)	(9,233)	(12,464)
2028-2029	(10,988)	(10,253)	(14,768)
2029-2030	(12,315)	(11,597)	(17,526)
2030-2031	(13,735)	(13,039)	(20,523)
2031-2032	(14,830)	(14,162)	(23,351)

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

PART D



PART E

8.1 Standard Scenario – Income Statement

INCOME STATEMENT

For the period ended 30 June	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
Revenue										
Rates & Annual Charges	68,994	70,888	72,829	74,819	76,858	78,949	81,092	83,288	85,539	87,847
User Fees and Charges	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue	1,063	1,460	1,617	1,652	1,552	1,549	1,522	1,485	1,431	1,356
Other Revenues	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567
Total Revenue	**157,990**	**153,222**	**157,616**	**161,554**	**165,449**	**169,538**	**173,701**	**177,956**	**182,297**	**186,722**
Operating Expenses										
Employee Benefits & On-Costs	56,552	58,373	60,652	62,803	64,789	66,843	68,979	71,197	73,487	75,868
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,219
Materials & Services	55,916	58,767	61,764	64,626	67,213	69,566	72,001	75,271	77,129	79,829
Depreciation & Amortisation	18,999	19,528	20,264	20,743	21,377	21,771	22,019	22,454	22,942	22,996
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834
Total Operating Expenses	**137,766**	**143,177**	**149,198**	**154,766**	**160,142**	**164,982**	**169,836**	**175,849**	**180,542**	**185,746**
Operating Surplus / (Deficit)	**20,224**	**10,045**	**8,418**	**6,787**	**5,307**	**4,556**	**3,865**	**2,107**	**1,755**	**976**
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-
Total Comprehensive Income	**20,224**	**10,045**	**8,418**	**6,787**	**5,307**	**4,556**	**3,865**	**2,107**	**1,755**	**976**
Net Operating Result before Capital Grants	**651**	**2,726**	**1,025**	**(679)**	**(2,235)**	**(3,061)**	**(3,828)**	**(5,663)**	**(6,093)**	**(6,950)**
Adjustments for Underlying Result										
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Investment property fair value increases &	(2,679)	(3,109)	(3,184)	(3,260)	(3,339)	(3,419)	(3,501)	(3,586)	(3,672)	(3,761)
NAP Profit	1,156	(2,291)	(2,258)	(2,194)	(2,338)	(2,503)	(2,674)	(2,849)	(3,024)	(3,201)
Local election costs	-	-	-	700	-	-	-	750	-	-
Underlying result	**(1,122)**	**(2,925)**	**(4,667)**	**(5,684)**	**(8,161)**	**(9,233)**	**(10,253)**	**(11,597)**	**(13,039)**	**(14,162)**

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

8.2 Standard Scenario – Statement of Financial Position (Balance Sheet)

STATEMENT OF FINANCIAL POSITION As at 30 June:	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	14,043	20,318	21,741	17,709	17,594	16,522	15,042	12,890	9,868	4,856
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	11,027	11,718	12,139	12,524	12,919	13,323	13,737	14,161	14,596	15,041
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
Total Current Assets	**64,965**	**71,930**	**73,773**	**70,127**	**70,406**	**69,739**	**68,673**	**66,946**	**64,358**	**59,792**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,098,970	1,103,915	1,107,367	1,114,943	1,117,399	1,120,129	1,122,306	1,124,475	1,126,786	1,129,526
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787
Intangibles	5,645	5,158	4,763	4,440	4,179	3,971	3,809	3,686	3,598	3,539
Total Non Current Assets	**1,155,726**	**1,162,177**	**1,166,744**	**1,178,751**	**1,183,119**	**1,187,326**	**1,191,479**	**1,195,854**	**1,199,923**	**1,207,677**
Total Assets	**1,220,691**	**1,234,107**	**1,240,518**	**1,248,878**	**1,253,525**	**1,257,065**	**1,260,153**	**1,262,800**	**1,264,280**	**1,267,469**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	17,065	17,578	18,118	18,633	19,098	19,522	19,960	20,549	20,883	21,369
Lease liabilities	795	840	850	617	690	740	755	709	785	839
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	824	750
Provisions	16,624	17,146	17,008	17,306	17,742	18,212	18,285	19,331	20,081	19,762
Total Current Liabilities	**36,795**	**37,089**	**37,528**	**38,136**	**39,128**	**39,855**	**40,324**	**41,643**	**42,574**	**42,722**
Non Current Liabilities										
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,316	29,566
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320
Total Non Current Liabilities	**40,514**	**43,591**	**41,146**	**42,110**	**40,458**	**38,715**	**37,469**	**36,691**	**35,485**	**37,552**
Total Liabilities	**77,309**	**80,680**	**78,673**	**80,246**	**79,586**	**78,570**	**77,793**	**78,334**	**78,059**	**80,273**
Net Assets	**1,143,382**	**1,153,427**	**1,161,845**	**1,168,632**	**1,173,938**	**1,178,494**	**1,182,359**	**1,184,466**	**1,186,221**	**1,187,196**
EQUITY										
Accumulated Surplus	729,034	739,079	747,498	754,285	759,592	764,147	768,012	770,120	771,874	772,848
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
Total Equity	**1,143,380**	**1,153,425**	**1,161,844**	**1,168,631**	**1,173,938**	**1,178,493**	**1,182,358**	**1,184,466**	**1,186,220**	**1,187,194**

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

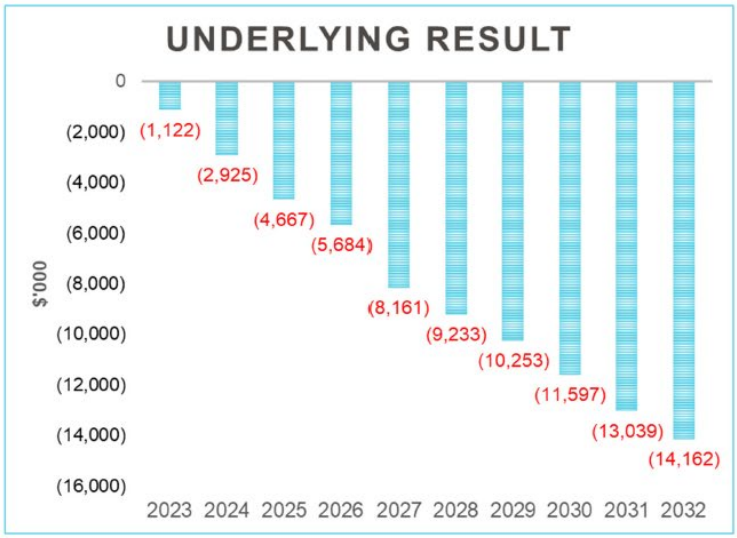
8.3 Standard Scenario – Statement of Cash flows

CASHFLOW STATEMENT

For the period ended 30 June	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Cash Flows from Operating Activities	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Receipts:										
Rates & Annual Charges	66,623	70,197	72,408	74,433	76,464	78,545	80,678	82,864	85,105	87,401
User Charges & Fees	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue Received	1,063	1,460	1,617	1,652	1,552	1,549	1,522	1,485	1,431	1,356
Grants & Contributions	29,721	16,982	17,425	17,572	17,720	17,869	18,019	18,169	18,321	18,474
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174
Payments:										
Employee Benefits & On-Costs	(57,259)	(59,342)	(60,958)	(63,547)	(65,657)	(67,759)	(69,503)	(72,693)	(74,690)	(76,007)
Materials & Contracts	(55,795)	(58,735)	(61,758)	(64,596)	(67,485)	(69,989)	(72,439)	(75,859)	(77,464)	(80,315)
Borrowing Costs	(1,713)	(1,757)	(1,653)	(1,562)	(1,611)	(1,525)	(1,436)	(1,382)	(1,296)	(1,219)
Other	(3,653)	(2,821)	(4,216)	(3,461)	(3,010)	(2,592)	(3,495)	(1,286)	(2,661)	(4,480)
Net Cash provided (or used in) Operating Activities	**33,493**	**25,724**	**24,367**	**23,666**	**22,860**	**22,741**	**21,787**	**21,581**	**20,918**	**19,313**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase of Real Estate Assets	(1,000)	(1,010)	(1,020)	(1,030)	(1,041)	(1,051)	(1,062)	(1,072)	(1,083)	(1,094)
Purchase of Infrastructure, Property, Plant & Equipment	(30,977)	(20,162)	(19,368)	(24,058)	(19,514)	(20,234)	(19,826)	(20,308)	(20,802)	(21,309)
Purchase of Intangible Assets	(400)	(420)	(442)	(457)	(473)	(490)	(507)	(525)	(543)	(562)
Net Cash provided (or used in) Investing Activities	**(32,127)**	**(21,342)**	**(20,579)**	**(25,296)**	**(20,778)**	**(21,525)**	**(21,145)**	**(21,655)**	**(22,178)**	**(22,715)**
Cash Flows from Financing Activities										
New Borrowings		5,000								
Repayment of leases principal	(606)	(795)	(840)	(850)	(617)	(690)	(740)	(755)	(709)	(785)
Repayment of Borrowings & Advances	(3,147)	(2,312)	(1,524)	(1,552)	(1,580)	(1,597)	(1,382)	(1,323)	(1,054)	(824)
Net Cash Flow provided (used in) Financing Activities	**(3,753)**	**1,893**	**(2,365)**	**(2,402)**	**(2,198)**	**(2,287)**	**(2,122)**	**(2,079)**	**(1,763)**	**(1,609)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**(2,387)**	**6,275**	**1,423**	**(4,032)**	**(115)**	**(1,072)**	**(1,480)**	**(2,152)**	**(3,023)**	**(5,011)**
plus: Cash - beginning of year	16,430	14,043	20,318	21,741	17,709	17,594	16,522	15,042	12,890	9,868
Cash - end of the year	**14,043**	**20,318**	**21,741**	**17,709**	**17,594**	**16,522**	**15,042**	**12,890**	**9,868**	**4,856**
plus: Investments - end of the year	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Total Cash & Investments - end of the year	**51,290**	**57,565**	**58,988**	**54,956**	**54,841**	**53,769**	**52,289**	**50,137**	**47,115**	**42,103**
Less restricted Cash (NAL)	(14,234)	(16,302)	(18,260)	(20,411)	(22,755)	(25,292)	(28,019)	(30,936)	(34,042)	(37,335)
Cash, Cash Equivalents & Investments - end of the year	**37,057**	**41,263**	**40,727**	**34,544**	**32,085**	**28,477**	**24,271**	**19,201**	**13,072**	**4,769**

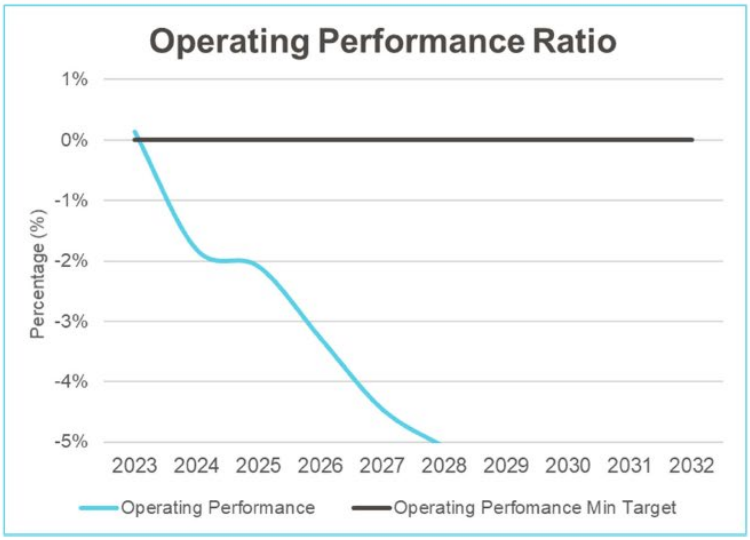
8.4 Standard Scenario – Graphs

Standard Scenario Graph – Underlying Result

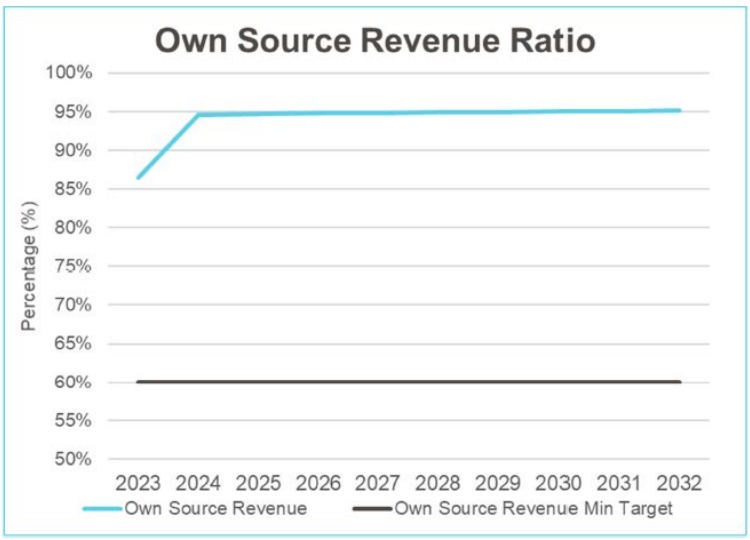


Standard Scenario Graph – Required Cash Levels

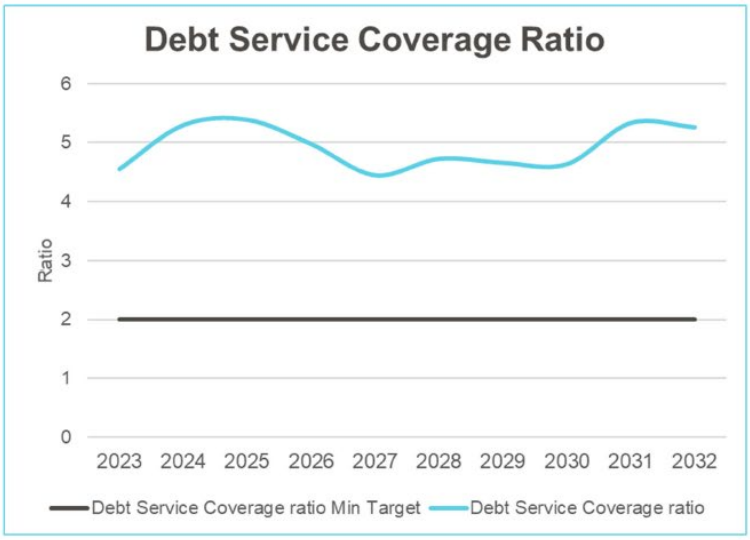
Standard Scenario Graph - Operating Performance Ratio



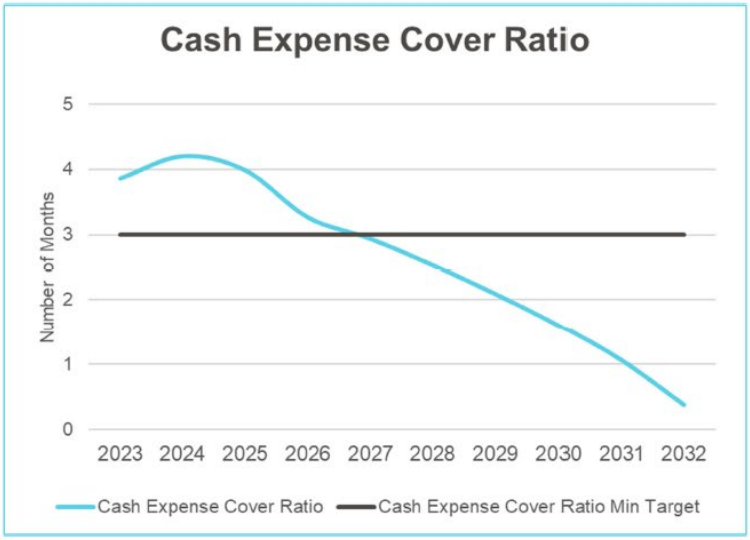
Standard Scenario Graph – Own Source Revenue Ratio



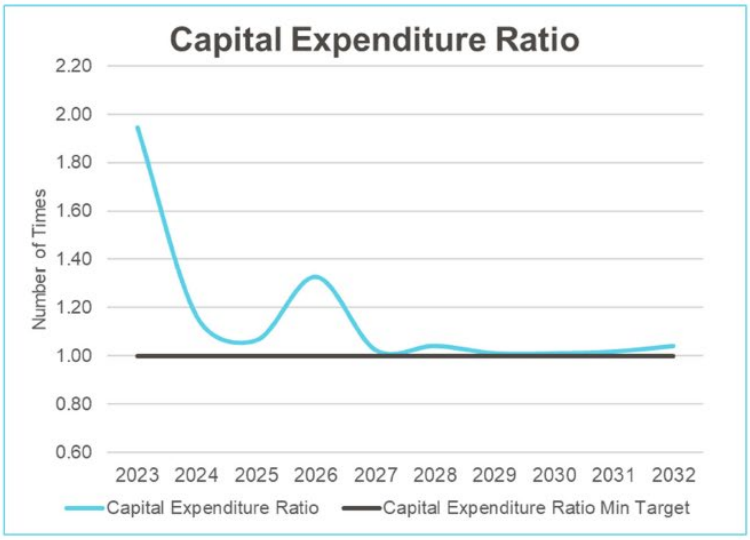
Standard Scenario Graph – Debt Service Coverage Ratio



Standard Scenario Graph - Cash Expense Cover Ratio



Standard Scenario Graph - Capital Expenditure Ratio



PART F

2.3 Financial Statements

Scenario 1: Conservative – Income Statement

INCOME STATEMENT

For the period ended 30 June	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
Revenue										
Rates & Annual Charges	68,445	70,325	72,252	74,228	76,253	78,328	80,455	82,636	84,871	87,162
User Fees and Charges	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue	1,057	1,194	1,317	1,342	1,258	1,253	1,228	1,196	1,151	1,088
Other Revenues	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567
Total Revenue	**157,436**	**152,394**	**156,739**	**160,652**	**164,549**	**168,621**	**172,772**	**177,015**	**181,348**	**185,769**
Operating Expenses										
Employee Benefits & On-Costs	56,552	58,373	60,652	62,803	64,789	66,843	68,979	71,197	73,487	75,868
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,219
Materials & Services	55,916	58,767	61,764	64,626	67,213	69,566	72,001	75,271	77,129	79,829
Depreciation & Amortisation	18,999	19,528	20,253	20,720	21,342	21,724	21,960	22,383	22,859	22,900
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834
Total Operating Expenses	**137,766**	**143,177**	**149,187**	**154,743**	**160,107**	**164,935**	**169,778**	**175,778**	**180,459**	**185,651**
Operating Surplus / (Deficit)	**19,670**	**9,217**	**7,553**	**5,909**	**4,442**	**3,686**	**2,994**	**1,237**	**889**	**118**
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-
Total Comprehensive Income	**19,670**	**9,217**	**7,553**	**5,909**	**4,442**	**3,686**	**2,994**	**1,237**	**889**	**118**
Net Operating Result before Capital Grants	**97**	**1,897**	**160**	**(1,558)**	**(3,099)**	**(3,931)**	**(4,699)**	**(6,533)**	**(6,959)**	**(7,808)**
Adjustments for Underlying Result										
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Investment property fair value increases & royalties	(2,679)	(3,109)	(3,184)	(3,260)	(3,339)	(3,419)	(3,501)	(3,586)	(3,672)	(3,761)
NAP Profit	1,156	(2,220)	(2,175)	(2,099)	(2,231)	(2,382)	(2,538)	(2,696)	(2,854)	(3,012)
Local election costs	-	-	-	700	-	-	-	750	-	-
Underlying result	**(1,676)**	**(3,682)**	**(5,449)**	**(6,467)**	**(8,918)**	**(9,982)**	**(10,988)**	**(12,315)**	**(13,735)**	**(14,830)**

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Scenario 1: Conservative – Statement of Financial Position (Balance Sheet)

STATEMENT OF FINANCIAL POSITION As at 30 June:	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	13,547	19,694	20,959	16,763	16,504	15,290	13,674	11,395	8,257	3,147
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	10,970	11,659	12,078	12,462	12,855	13,258	13,670	14,093	14,526	14,969
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
Total Current Assets	**64,411**	**71,248**	**72,932**	**69,119**	**69,253**	**68,442**	**67,238**	**65,382**	**62,677**	**58,011**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,098,970	1,103,215	1,105,961	1,112,825	1,114,562	1,116,566	1,118,010	1,119,438	1,121,000	1,122,983
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787
Intangibles	5,645	5,158	4,763	4,440	4,179	3,971	3,809	3,686	3,598	3,539
Total Non Current Assets	**1,155,726**	**1,161,477**	**1,165,339**	**1,176,633**	**1,180,282**	**1,183,763**	**1,187,183**	**1,190,817**	**1,194,137**	**1,201,134**
Total Assets	**1,220,137**	**1,232,724**	**1,238,270**	**1,245,752**	**1,249,535**	**1,252,205**	**1,254,422**	**1,256,199**	**1,256,813**	**1,259,144**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	17,065	17,578	18,118	18,633	19,098	19,522	19,960	20,549	20,883	21,369
Lease liabilities	795	840	850	617	690	740	755	709	785	839
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	824	750
Provisions	16,624	17,146	17,008	17,306	17,742	18,212	18,285	19,331	20,081	19,762
Total Current Liabilities	**36,795**	**37,089**	**37,528**	**38,136**	**39,128**	**39,855**	**40,324**	**41,643**	**42,574**	**42,722**
Non Current Liabilities										
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,316	29,566
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320
Total Non Current Liabilities	**40,514**	**43,591**	**41,146**	**42,110**	**40,458**	**38,715**	**37,469**	**36,691**	**35,485**	**37,552**
Total Liabilities	**77,309**	**80,680**	**78,673**	**80,246**	**79,586**	**78,570**	**77,793**	**78,334**	**78,059**	**80,273**
Net Assets	**1,142,828**	**1,152,044**	**1,159,597**	**1,165,506**	**1,169,948**	**1,173,634**	**1,176,628**	**1,177,865**	**1,178,754**	**1,178,871**
EQUITY										
Accumulated Surplus	728,480	737,697	745,251	751,159	755,602	759,287	762,281	763,519	764,407	764,523
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
Total Equity	**1,142,826**	**1,152,043**	**1,159,597**	**1,165,505**	**1,169,948**	**1,173,633**	**1,176,627**	**1,177,865**	**1,178,753**	**1,178,869**

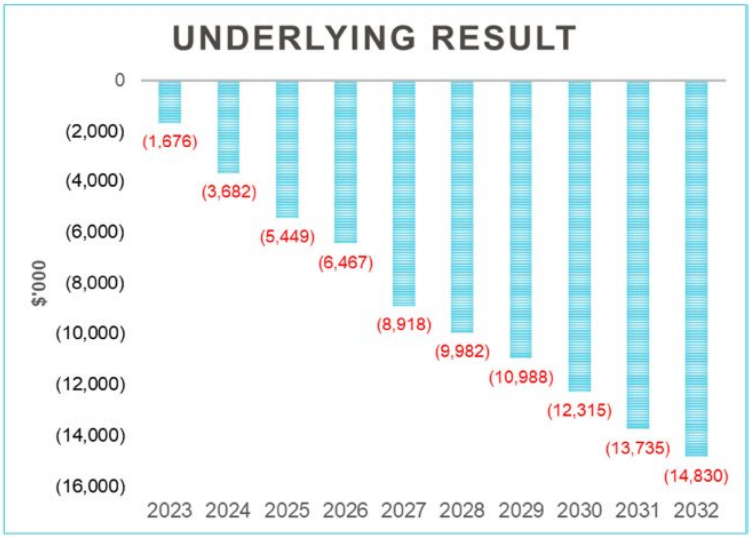
ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Scenario 1: Conservative – Statement of Cash Flows

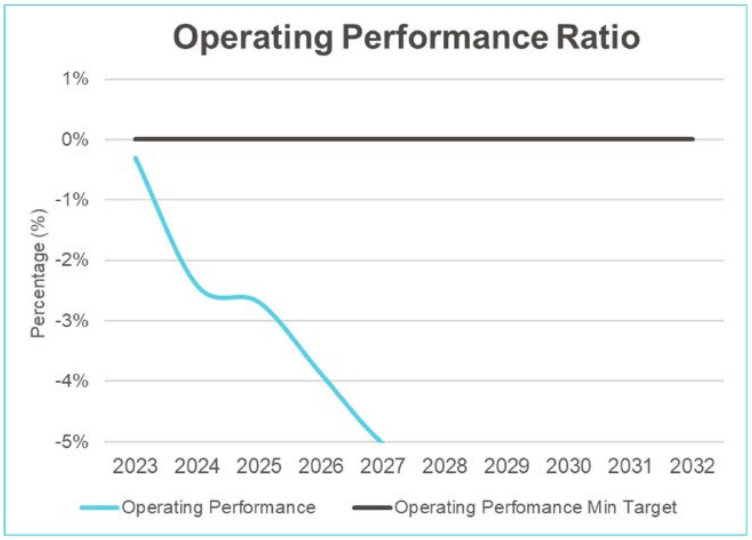
CASHFLOW STATEMENT

For the period ended 30 June	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Cash Flows from Operating Activities	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Receipts:										
Rates & Annual Charges	66,132	69,636	71,833	73,844	75,860	77,925	80,043	82,213	84,438	86,717
User Charges & Fees	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue Received	1,057	1,194	1,317	1,342	1,258	1,253	1,228	1,196	1,151	1,088
Grants & Contributions	29,721	16,982	17,425	17,572	17,720	17,869	18,019	18,169	18,321	18,474
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174
Payments:										
Employee Benefits & On-Costs	(57,259)	(59,342)	(60,958)	(63,547)	(65,657)	(67,759)	(69,503)	(72,693)	(74,690)	(76,007)
Materials & Contracts	(55,795)	(58,735)	(61,758)	(64,596)	(67,485)	(69,989)	(72,439)	(75,859)	(77,464)	(80,315)
Borrowing Costs	(1,713)	(1,757)	(1,653)	(1,562)	(1,611)	(1,525)	(1,436)	(1,382)	(1,296)	(1,219)
Other	(3,653)	(2,821)	(4,216)	(3,461)	(3,010)	(2,592)	(3,495)	(1,286)	(2,661)	(4,480)
Net Cash provided (or used in) Operating Activities	**32,997**	**24,897**	**23,492**	**22,766**	**21,962**	**21,826**	**20,859**	**20,642**	**19,971**	**18,362**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase of Real Estate Assets	(1,000)	(1,010)	(1,020)	(1,030)	(1,041)	(1,051)	(1,062)	(1,072)	(1,083)	(1,094)
Purchase of Infrastructure, Property, Plant & Equipment	(30,977)	(19,462)	(18,650)	(23,323)	(18,760)	(19,462)	(19,034)	(19,496)	(19,970)	(20,456)
Purchase of Intangible Assets	(400)	(420)	(442)	(457)	(473)	(490)	(507)	(525)	(543)	(562)
Net Cash provided (or used in) Investing Activities	**(32,127)**	**(20,642)**	**(19,862)**	**(24,560)**	**(20,024)**	**(20,753)**	**(20,353)**	**(20,843)**	**(21,346)**	**(21,862)**
Cash Flows from Financing Activities										
New Borrowings		5,000								
Repayment of leases principal	(606)	(795)	(840)	(850)	(617)	(690)	(740)	(755)	(709)	(785)
Repayment of Borrowings & Advances	(3,147)	(2,312)	(1,524)	(1,552)	(1,580)	(1,597)	(1,382)	(1,323)	(1,054)	(824)
Net Cash Flow provided (used in) Financing Activities	**(3,753)**	**1,893**	**(2,365)**	**(2,402)**	**(2,198)**	**(2,287)**	**(2,122)**	**(2,079)**	**(1,763)**	**(1,609)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**(2,883)**	**6,147**	**1,265**	**(4,196)**	**(259)**	**(1,214)**	**(1,616)**	**(2,280)**	**(3,138)**	**(5,109)**
plus: Cash - beginning of year	16,430	13,547	19,694	20,959	16,763	16,504	15,290	13,674	11,395	8,257
Cash - end of the year	**13,547**	**19,694**	**20,959**	**16,763**	**16,504**	**15,290**	**13,674**	**11,395**	**8,257**	**3,147**
plus: Investments - end of the year	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Total Cash & Investments - end of the year	**50,794**	**56,941**	**58,206**	**54,010**	**53,751**	**52,537**	**50,921**	**48,642**	**45,504**	**40,394**
Less restricted Cash (NAL)	(14,233)	(16,231)	(18,106)	(20,163)	(22,400)	(24,815)	(27,406)	(30,171)	(33,107)	(36,211)
Cash, Cash Equivalents & Investments - end of the year	**36,561**	**40,711**	**40,101**	**33,847**	**31,351**	**27,722**	**23,515**	**18,470**	**12,396**	**4,183**

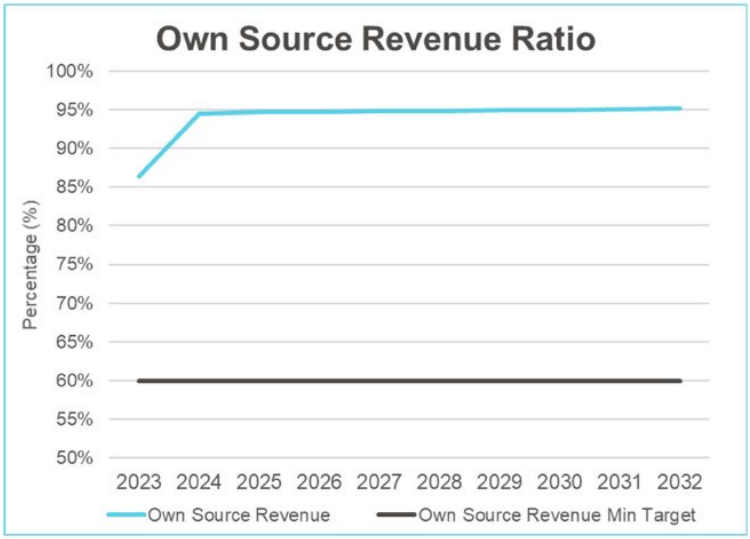
Scenario 1: Conservative Graph - Underlying Surplus



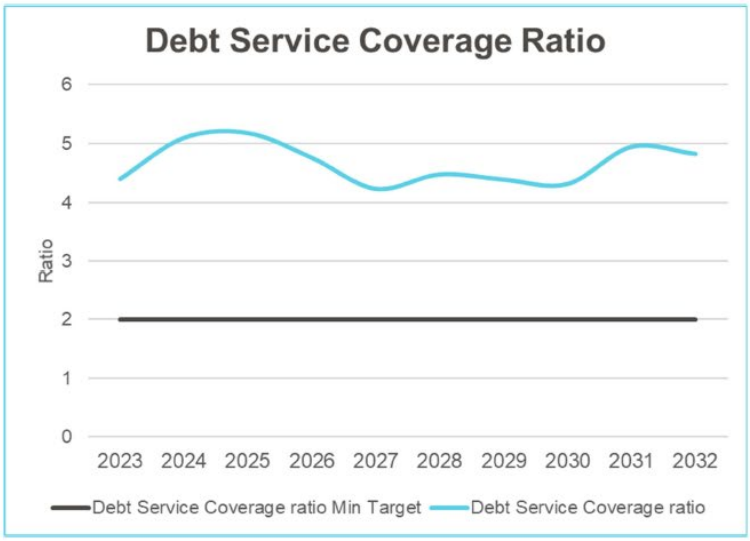
Scenario 1: Conservative Graph - Operating Performance Ratio



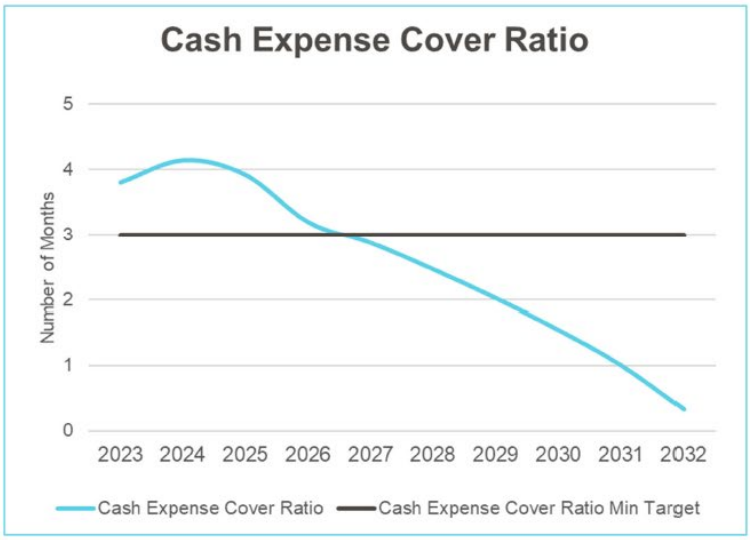
Scenario 1: Conservative Graph - Own Source Revenue Ratio



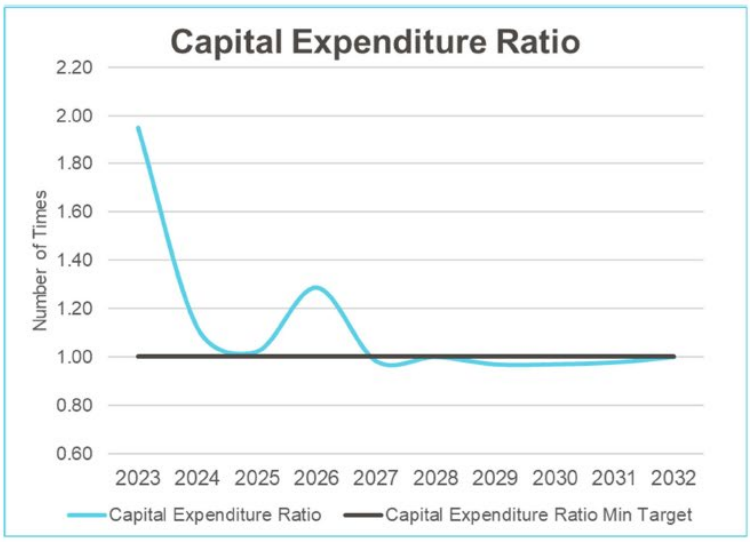
Scenario 1: Conservative Graph - Debt Service Coverage Ratio



Scenario 1: Conservative Graph - Cash Expense Cover Ratio



Scenario 1: Conservative Graph - Capital Expenditure Ratio



ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

PART G

3.3 Financial Statements

Scenario 3: Strategic – Income Statement

INCOME STATEMENT

For the period ended 30 June	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
Revenue										
Rates & Annual Charges	68,994	71,233	73,540	75,916	78,364	80,885	83,481	86,156	88,910	91,747
User Fees and Charges	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue	1,063	1,455	1,577	1,578	1,422	1,337	1,198	1,016	780	483
Other Revenues	4,351	4,459	4,571	4,685	4,802	4,922	5,046	5,172	5,301	5,433
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567
Total Revenue	**158,011**	**153,607**	**158,354**	**162,667**	**166,940**	**171,404**	**175,937**	**180,552**	**185,245**	**190,009**
Operating Expenses										
Employee Benefits & On-Costs	56,552	58,373	60,652	62,803	64,789	66,843	68,979	71,197	73,487	75,868
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,219
Materials & Services	56,166	59,280	62,553	66,693	70,659	74,513	78,563	83,570	87,293	91,995
Depreciation & Amortisation	18,999	19,528	20,285	20,786	21,443	21,861	22,134	22,596	23,112	23,195
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834
Total Operating Expenses	**138,016**	**143,690**	**150,008**	**156,877**	**163,654**	**170,019**	**176,514**	**184,290**	**190,877**	**198,113**
Operating Surplus / (Deficit)	**19,995**	**9,917**	**8,346**	**5,791**	**3,287**	**1,385**	**(577)**	**(3,738)**	**(5,632)**	**(8,104)**
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-
Total Comprehensive Income	**19,995**	**9,917**	**8,346**	**5,791**	**3,287**	**1,385**	**(577)**	**(3,738)**	**(5,632)**	**(8,104)**
Net Operating Result before Capital Grants	**422**	**2,598**	**953**	**(1,676)**	**(4,255)**	**(6,232)**	**(8,270)**	**(11,508)**	**(13,479)**	**(16,030)**
Adjustments for Underlying Result										
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Investment property fair value increases & royalties	(2,688)	(3,128)	(3,212)	(3,299)	(3,388)	(3,479)	(3,573)	(3,670)	(3,769)	(3,871)
NAP Profit	1,156	(2,291)	(2,258)	(2,194)	(2,338)	(2,503)	(2,674)	(2,849)	(3,024)	(3,201)
Local election costs	-	-	-	700	-	-	-	750	-	-
Underlying result	**(1,360)**	**(3,071)**	**(4,767)**	**(6,719)**	**(10,230)**	**(12,464)**	**(14,768)**	**(17,526)**	**(20,523)**	**(23,351)**

ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Scenario 3: Strategic – Statement of Financial Position (Balance Sheet)

STATEMENT OF FINANCIAL POSITION

As at 30 June:	2023 $'000	2024 $'000	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	13,859	18,741	18,767	12,526	9,128	3,573	-3,718	-13,142	-25,038	-40,678
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	11,027	11,754	12,214	12,639	13,077	13,526	13,988	14,462	14,950	15,451
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
Total Current Assets	**64,781**	**70,390**	**70,874**	**65,060**	**62,099**	**56,993**	**50,164**	**41,214**	**29,805**	**14,667**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,098,970	1,105,190	1,109,979	1,118,956	1,122,881	1,127,148	1,130,938	1,134,796	1,138,877	1,143,471
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787
Intangibles	5,645	5,158	4,763	4,440	4,179	3,971	3,809	3,686	3,598	3,539
Total Non Current Assets	**1,155,726**	**1,163,452**	**1,169,357**	**1,182,765**	**1,188,600**	**1,194,346**	**1,200,111**	**1,206,176**	**1,212,014**	**1,221,622**
Total Assets	**1,220,507**	**1,233,842**	**1,240,231**	**1,247,824**	**1,250,699**	**1,251,339**	**1,250,275**	**1,247,390**	**1,241,819**	**1,236,289**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	17,110	17,670	18,260	19,005	19,719	20,412	21,141	22,043	22,713	23,559
Lease liabilities	795	840	850	617	690	740	755	709	785	839
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	824	750
Provisions	16,624	17,146	17,008	17,306	17,742	18,212	18,285	19,331	20,081	19,762
Total Current Liabilities	**36,840**	**37,181**	**37,670**	**38,508**	**39,748**	**40,746**	**41,506**	**43,136**	**44,404**	**44,912**
Non Current Liabilities										
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,316	29,566
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320
Total Non Current Liabilities	**40,514**	**43,591**	**41,146**	**42,110**	**40,458**	**38,715**	**37,469**	**36,691**	**35,485**	**37,552**
Total Liabilities	**77,354**	**80,772**	**78,815**	**80,618**	**80,206**	**79,461**	**78,974**	**79,828**	**79,889**	**82,463**
Net Assets	**1,143,153**	**1,153,070**	**1,161,416**	**1,167,206**	**1,170,493**	**1,171,878**	**1,171,300**	**1,167,562**	**1,161,930**	**1,153,826**
EQUITY										
Accumulated Surplus	728,805	738,722	747,069	752,860	756,146	757,530	756,953	753,216	747,584	739,478
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
Total Equity	**1,143,151**	**1,153,068**	**1,161,415**	**1,167,206**	**1,170,492**	**1,171,876**	**1,171,299**	**1,167,562**	**1,161,930**	**1,153,824**

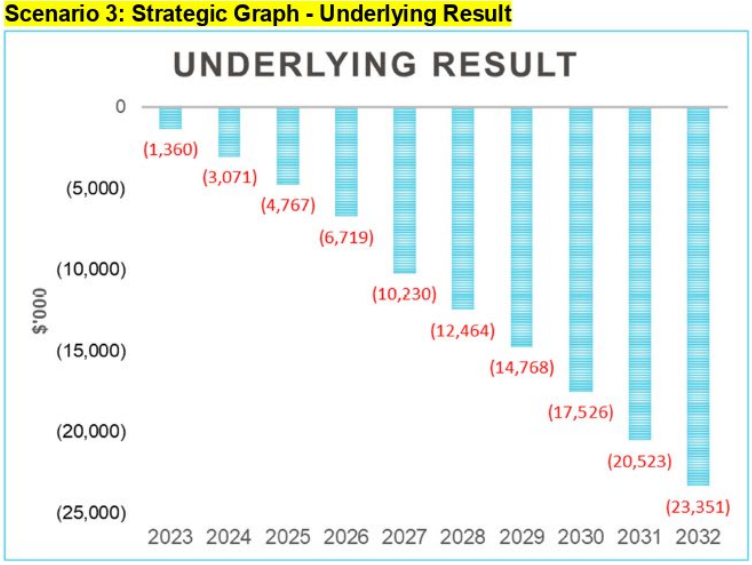
ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

Scenario 3: Strategic – Statement of Cash Flows

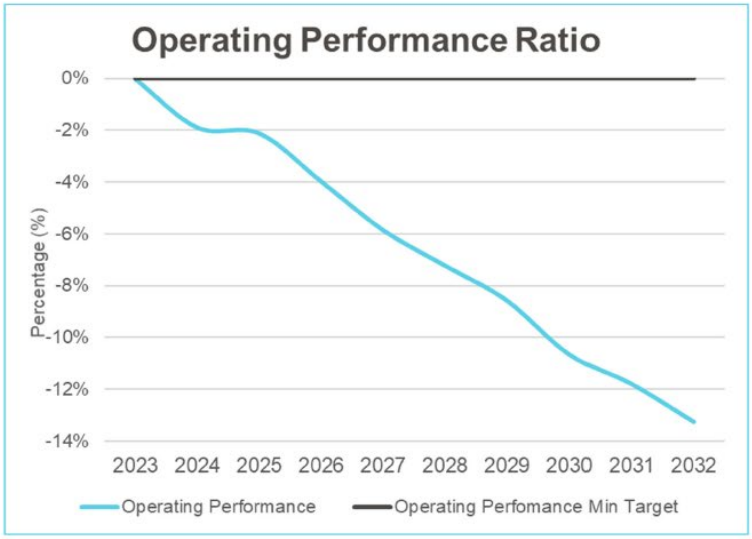
CASHFLOW STATEMENT

For the period ended 30 June	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Cash Flows from Operating Activities	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Receipts:										
Rates & Annual Charges	66,623	70,506	73,081	75,491	77,926	80,435	83,019	85,681	88,423	91,245
User Charges & Fees	47,079	52,195	53,837	55,388	56,978	58,607	60,277	61,989	63,744	65,543
Interest & Investment Revenue Received	1,063	1,455	1,577	1,578	1,422	1,337	1,198	1,016	780	483
Grants & Contributions	29,721	16,982	17,425	17,572	17,720	17,869	18,019	18,169	18,321	18,474
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388
Other	4,351	4,459	4,571	4,685	4,802	4,922	5,046	5,172	5,301	5,433
Payments:										
Employee Benefits & On-Costs	(57,259)	(59,342)	(60,958)	(63,547)	(65,657)	(67,759)	(69,503)	(72,693)	(74,690)	(76,007)
Materials & Contracts	(56,090)	(59,295)	(62,597)	(66,893)	(71,178)	(75,206)	(79,292)	(84,471)	(87,964)	(92,843)
Borrowing Costs	(1,713)	(1,757)	(1,653)	(1,562)	(1,611)	(1,525)	(1,436)	(1,382)	(1,296)	(1,219)
Other	(3,563)	(2,726)	(4,116)	(3,001)	(2,514)	(2,051)	(2,914)	(661)	(1,989)	(3,759)
Net Cash provided (or used in) Operating Activities	**33,309**	**25,607**	**24,328**	**22,902**	**21,112**	**19,885**	**17,704**	**16,142**	**13,985**	**10,738**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase of Real Estate Assets	(1,000)	(1,010)	(1,020)	(1,030)	(1,041)	(1,051)	(1,062)	(1,072)	(1,083)	(1,094)
Purchase of Infrastructure, Property, Plant & Equipment	(30,977)	(21,437)	(20,726)	(25,502)	(21,048)	(21,863)	(21,554)	(22,140)	(22,742)	(23,362)
Purchase of Intangible Assets	(400)	(420)	(442)	(457)	(473)	(490)	(507)	(525)	(543)	(562)
Net Cash provided (or used in) Investing Activities	**(32,127)**	**(22,618)**	**(21,937)**	**(26,740)**	**(22,312)**	**(23,154)**	**(22,873)**	**(23,487)**	**(24,118)**	**(24,768)**
Cash Flows from Financing Activities										
New Borrowings		5,000								
Repayment of leases principal	(606)	(795)	(840)	(850)	(617)	(690)	(740)	(755)	(709)	(785)
Repayment of Borrowings & Advances	(3,147)	(2,312)	(1,524)	(1,552)	(1,580)	(1,597)	(1,382)	(1,323)	(1,054)	(824)
Net Cash Flow provided (used in) Financing Activities	**(3,753)**	**1,893**	**(2,365)**	**(2,402)**	**(2,198)**	**(2,287)**	**(2,122)**	**(2,079)**	**(1,763)**	**(1,609)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**(2,571)**	**4,882**	**25**	**(6,240)**	**(3,398)**	**(5,555)**	**(7,291)**	**(9,424)**	**(11,896)**	**(15,639)**
plus: Cash - beginning of year	16,430	13,859	18,741	18,767	12,526	9,128	3,573	(3,718)	(13,142)	(25,038)
Cash - end of the year	**13,859**	**18,741**	**18,767**	**12,526**	**9,128**	**3,573**	**(3,718)**	**(13,142)**	**(25,038)**	**(40,678)**
plus: Investments - end of the year	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Total Cash & Investments - end of the year	**51,106**	**55,988**	**56,014**	**49,773**	**46,375**	**40,820**	**33,529**	**24,105**	**12,209**	**(3,431)**
Less restricted Cash (NAL)	(14,234)	(16,302)	(18,260)	(20,411)	(22,755)	(25,292)	(28,019)	(30,936)	(34,042)	(37,335)
Cash, Cash Equivalents & Investments - end of the year	**36,873**	**39,686**	**37,754**	**29,362**	**23,620**	**15,528**	**5,510**	**(6,831)**	**(21,834)**	**(40,766)**

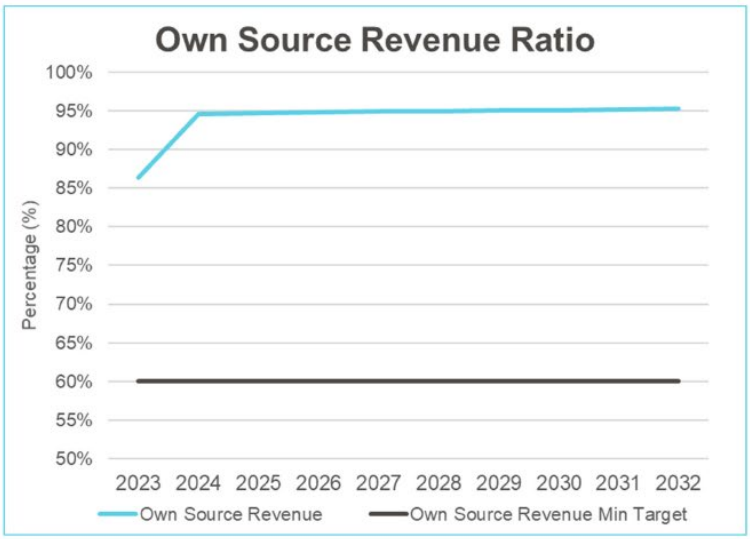
Scenario 3: Strategic Graph - Underlying Result



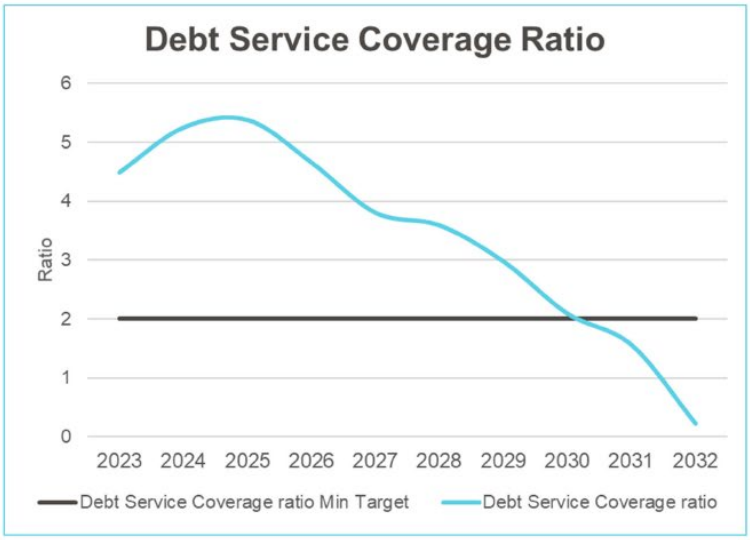
Scenario 3: Strategic Graph - Operating Performance Ratio



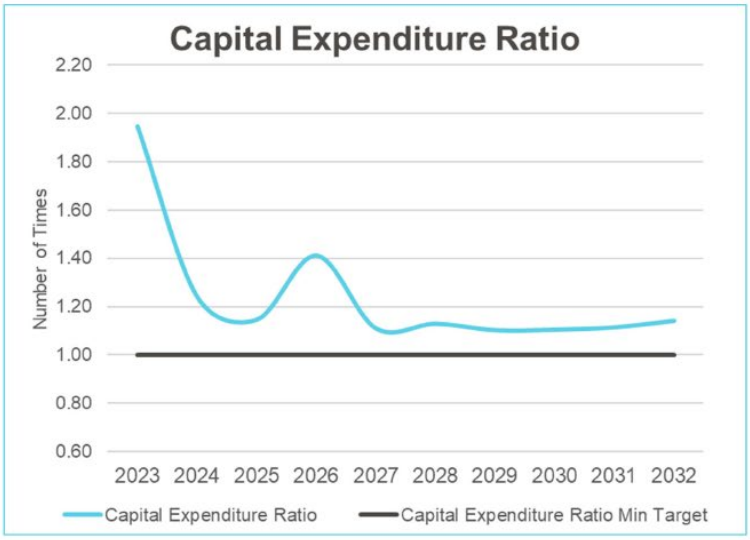
Scenario 3: Strategic Graph - Own Source Revenue Ratio



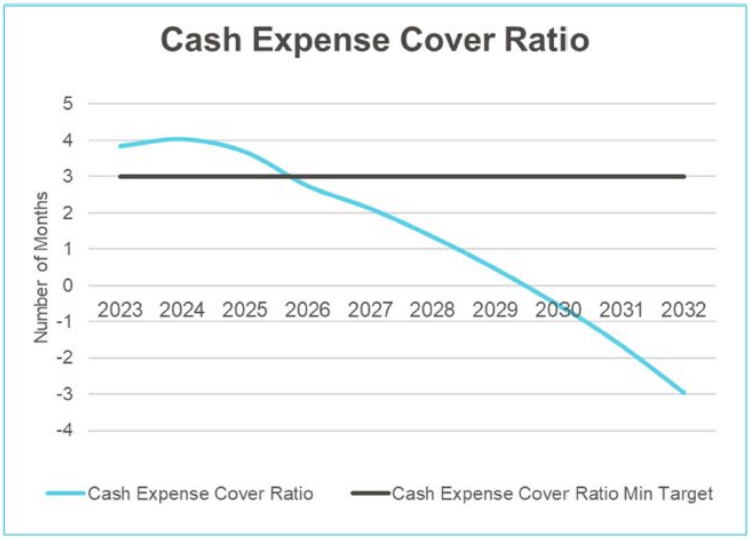
Scenario 3: Strategic Graph - Debt Service Coverage Ratio



Scenario 3: Strategic Graph - Capital Expenditure Ratio



Scenario 3: Strategic Graph - Cash Expense Cover Ratio



ITEM 1 - ATTACHMENT 2 RECOMMENDED CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS.

PART H

Name	Description	Year 21/22 Fee (incl. GST)	Year 22/23 Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Environmental & Health Services								
Animal Management								
Annual permit - Dangerous/Restricted Dog	These fees are indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$197.00	$206.00	$0.00	$206.00			Statutory pricing
Annual permit - Undesexed Cat	These fees are indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$81.00	$85.00	$0.00	$85.00			Statutory pricing
Late Fee	Applicable if a permit is not paid for by 28 days after the permit requirement took effect This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$18.00	$19.00	$0.00	$19.00	Per Annual Permit Fee		Statutory pricing
Companion Animal – Lifetime Registration Fee								
Cat - Desexed	Sold by pound/shelter This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$0.00	$0.00	$0.00	$0.00	Per Cat		Statutory pricing
Cat - Desexed or Not Desexed	Not recommended, recognised breeder This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$56.00	$59.00	$0.00	$59.00	Per Cat		Statutory pricing
Dog - Desexed	By relevant age, not recommended, recognised breeder. This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$66.00	$69.00	$0.00	$69.00	Per Dog		Statutory pricing
Dog - Desexed	Sold by pound/shelter This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$0.00	$0.00	$0.00	$0.00	Per Dog		Statutory pricing
Dog - Not Desexed or Desexed	After relevant age This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$224.00	$234.00	$0.00	$234.00	Per dog		Statutory pricing
Dog - Working Working dog, Service of the State, Assistance Animal	This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government.	$0.00	$0.00	$0.00	$0.00	Per dog		Statutory pricing
Dog/Cat - Desexed	By relevant age eligible pensioner. This fee is indicative only and fee may be adjusted annually in accordance with the prescribed fee set by the Office of Local Government	$27.00	$29.00	$0.00	$29.00	Per Animal		Statutory pricing

SCHEDULE OF RATES AND CHARGES 2022-2023

1) Following approval of Council's 2.5% ASV application by IPART, make ordinary rates in accordance with the following schedule for 2022-2023 using 1 July 2019 base date land values.

Ordinary Rates				
Category	**Sub-category**	**Ad Valorem Rate c in $**	**Base Amount $**	**% of yield from base amount**
Residential	Williamtown Primary Zone	0.1912	$269.00	39%
Residential	Williamtown Secondary Zone	0.2151	$302.00	41%
Residential	Williamtown Broader Zone	0.2582	$363.00	40%
Residential	Residential	0.2868	$403.00	35%
Farmland	Williamtown Primary Zone	0.1912	$269.00	30%
Farmland	Williamtown Secondary Zone	0.2151	$302.00	27%
Farmland	Williamtown Broader Zone	0.2582	$363.00	26%
Farmland	Farmland	0.2868	$403.00	21%
Business	n/a	0.7921	$1,727.00	35%
Mining	n/a	0.7921	n/a	n/a

2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2022-2023 on all rateable land with a land value of $300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.

3) Fix the interest rate to apply to overdue rates and charges in 2022-2023 at the maximum rate as determined by the Minister for Local Government.

4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2021-2022. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management *(s496 Local Government Act, 1993)*	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	$110.00 per assessment

Waste Management Charge *(s501 Local Government Act, 1993)*	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	$110.00 per assessment

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Waste Management Charge *(s501 Local Government Act, 1993)*	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	$1.00 per assessment
Domestic Waste Management *(s496 Local Government Act, 1993)*	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	$500.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge *(s501 Local Government Act, 1993)*	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	$500.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge *(s501 Local Government Act, 1993)*	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	$268.00 per additional waste (red lid) bin
Waste Management Charge *(s501 Local Government Act, 1993)*	4-74 or 18-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	$165.00 per additional recycling (yellow lid) bin

ITEM NO. 2 **FILE NO: 22/152740**
EDRMS NO: PSC2017-00180

FINANCIAL SUSTAINABILITY

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Note and endorse this report.
2) Commence an engagement process to discuss the financial sustainability of the Council over the next 10 years with the community, including but not limited to the prospect of submitting a Special Rate Variation to the Independent Pricing and Regulatory Tribunal (IPART) for consideration for the 2023-2024 financial year.
3) Note and endorse the attached Communications and Engagement Plan – Our Funded Future **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

161	**Councillor Leah Anderson** **Councillor Matthew Bailey** It was resolved that Council: 1) Note and endorse this report. 2) Commence an engagement process to discuss the financial sustainability of the Council over the next 10 years with the community, including but not limited to the prospect of submitting a Special Rate Variation to the Independent Pricing and Regulatory Tribunal (IPART) for consideration for the 2023-2024 financial year. 3) Note and endorse the Communications and Engagement Plan – Our Funded Future **(ATTACHMENT 3)**. 4) The following be included as part of the community engagement: a) The additional information being all of the items that the councillors brought to the table throughout the past few months of finance committee meetings (Supplementary information) b) That the parcels of land identified for potential sale be made transparent to the community, along with an explanation of how long this will take to have them re-zoned and what potential revenue we could achieve from the sales.

	c) When we anticipate the return of Airport Dividends and how they will be used to build a Prosperity Fund (and why) and not relied upon to fund our day to day operations in terms of this budget.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey, Chris Doohan, Steve Tucker and Jason Wells.

Those against the Motion: Crs Giacomo Arnott and Peter Francis.

The motion was carried.

BACKGROUND

One of the key resourcing strategies to be developed by Council each year is the Long Term Financial Plan, which forecasts the financial position of the Council over a 10 year time frame. The Long Term Financial Plan from as early as 2018-2019 was highlighting that from the 2022 financial year the Council would be facing some very difficult financial pressures. These were largely centred around the ongoing State imposed rate capping regime, where successive rate increases were limited to levels less than prevailing consumer price indexes and local government cost indices.

Legislative changes to costs such as superannuation contributions together with a difficult workers compensation insurance market added financial pressure to the organisation. Already faced with some difficult economic decisions to be made from the 2022 financial year onwards, the organisation was then shocked by the impacts of mandates resulting from the COVID-19 pandemic and a number of natural disasters affecting the Port Stephens local government area.

For 2 consecutive years, the ramifications of imposed lockdowns saw an $8 million deterioration to the operating bottom line.

While this placed an economic strain on the organisation, Council was mindful of its civic leadership role, joining other levels of Government to ensure that the economy could be stimulated to lessen the overall impact to residents and ratepayers. On one hand, Council had to display prudent fiscal management, yet on the other it had a civic duty to assist with the stimulus of the economy. This to a greater degree for the Port Stephens local government area that is so reliant on the tourism and associated industries.
Port Stephens Council has operated on a very tight fiscal basis for a number of years. Previous policy decisions of Council have meant that ratepayers have historically enjoyed the lowest rate level of any of our contemporaries in the Hunter region, or other comparable councils as shown by the Office of Local Government categorisation. The rate level for Port Stephens in the residential category is typically up to 35 per cent less than our neighbouring Councils.

To ensure this low rate level was maintained, a strategy was deployed to develop a reliance on maximising commercial or ‘own source’ revenue. Council has proved

successful in managing 5 holiday parks, some on behalf of the Crown, but some in an outright capacity. Council as co-owner of the Newcastle Airport has also enjoyed the substantial increases in activity from that facility over the past number of years. These 2 business activities have been able to successfully supplement revenue streams to Council and thus reduce the overall quantum of financial reliance on rate revenue.

With the State mandated lockdowns introduced during the COVID-19 pandemic severely impacting both of these activities, holiday parks and the airport were unable to produce income. The dividend received from the airport activities, previously $2 million per year, has yet to be reinstated and it is not certain to what level it will return.

In addition to the financial stressors from the lockdowns, Council also faced a significant natural disaster in March 2021. Some access was granted to disaster relief funds, however Council is required to incur the costs up front and can wait up to 3 years to seek even partial reimbursement. Works from this natural disaster are still being carried out and can be expected to continue for some time.

While the 2020-2021 financial year was forecast to have an operating deficit of over $4.4 million, a number of measures were taken to mitigate this. Ultimately these measures proved effective and the financial result for the year was a modest surplus of $583,000.

TABLE ONE		
	Surplus $	**Deficit $**
Original budget		(4,311,000)
September 2020 review		(692,000)
December 2020 review		(1,000)
March 2021 review	315,000	
June 2021 review	583,000	

Financial forecasting for the 2021-2022 financial year started with a small underlying surplus of $66,000 and with the advent of the second State mandated lockdown was forecast to be a deficit of $2.5 million for the financial year.

TABLE TWO		
	Surplus $	**Deficit $**
Original budget	66,000	
September 2021 review		(2,370,000)
December 2021 review		(974,000)
March 2022 review	147,000	

In order to return budgets to an underlying surplus a number of austerity measures have been implemented over previous years. Recruitment was effectively frozen and only positions regarded as essential or critical were actively recruited. Management

of staff costs were critically examined, with $1 million cut directly from employment budgets. Discretionary spending, already curtailed from previous years was cut and a number of services had to be reduced. The effect of reduced revenue streams and limited funds has seen the level of responsiveness to community expectations decline. Clearly such an approach can only be sustained for the short term and is not considered a viable long term solution.

Given the current financial projections **(ATTACHMENT 2)** these measures will need to be continued into the 2022-2023 financial year. In short, the community can expect no relief from the current issues being faced with Council's capacity to continue to deliver current services, such as asset maintenance, being severely impacted.

As part of the ongoing discussions around financial sustainability, Council endorsed an ongoing financial strategy **(ATTACHMENT 1)** designed around 6 key fundamentals being:

- Avoiding shocks.
- Attaining underlying surplus.
- Refining approach to funding significant infrastructure projects and initiatives.
- Increasing income.
- Reviewing and adjust services.
- Increasing advocacy and partnerships.

With a new Council being elected in December 2021 and the need to further address Council's financial sustainability, the Council agreed to meet to workshop the financial strategic direction for the next 10 years. Meeting on a fortnightly basis, a number of initiatives were examined and include:

- Potential to make a special variation to rate capping to the Independent Pricing and Regulatory Tribunal (IPART).
- An increase in non-statutory fees & charges for 2022 – 2023 to 10%, creating an additional $400,000 in income.
- Implementation of paid tourist parking to Birubi, One Mile, Fingal Bay, Shoal Bay and Nelson Bay, creating an additional $750,000 per annum in income.
- Identification of surplus land assets for potential sale. A number of sites have been identified and will be reported to Council in the short term, with the sale process taking up to 24-36 months.

The current Long Term Financial Plan **(ATTACHMENT 2)** has factored income producing strategies recently undertaken by Council such as increasing fees and charges and additional smart parking income. In spite of these initiatives, Council is facing 10 years of consecutive operating deficits. It is unable to achieve an underlying surplus target in any year of the plan. This means Council for the entirety of the plan will be facing severe financial pressure, will not handle any future external shocks and cash flow management is in critical condition. Ultimately, Council will have to examine and reduce service level provisions and assets will be subject to heavy deterioration, without further intervention.

The financial position of the Council is not predicted to improve at any stage over the 10 year life of the plan, with deficits that will continue to grow, reaching more than $14 million by the end of the plan.

While the original Long Term Financial Plan was on public exhibition the overall state of the economy continued to deteriorate with reasonable predictions of consumer price increases (CPI) over the next 3 years to be in excess of 5 percent. Our original model made allowance for a CPI movement of 3 to 4 per cent. This additional CPI projection effectively adds another $1 million to the organisations cost structure and increases the deficit to over $1 million for next year alone.

In this climate of financial difficulty, it was considered prudent to seek an independent evaluation of the organisations financial health. To this end a number of reports were commissioned and Professors Dollery and Drew were retained to provide the advice. This advice was commissioned in September 2021 and the 4 reports were delivered in February 2022. The reports included:

- Financial Sustainability.
- Efficiency.
- Capacity to Pay.
- Debt Capacity.

The reports were workshopped with Council by Professor Drew in March 2022 and essentially highlighted the findings that Council was not financially sustainable. The reports recognised the effects taken by the organisation over the past few years in providing for operations, but considered that such an ongoing approach or outcome could not be sustained. A number of specific recommendations were put forward and these were further workshopped with the Council throughout April to June 2022.

The major recommendations from this review to ensure financial sustainability were to increase fees and charges and make an application for a Special Rate Variation (SRV). More specifically, it was recommended to increase rates up to 10% per annum for 3 years to achieve financial sustainability. The review also recommended other initiatives such as a review of rates structure, which will continue to be examined.

Through workshops with Councillors a broad range of ideas to enhance Council's financial position were identified including:

- 2 items concerning avoiding shocks, specifically strategies relating to debt management and modelling.
- 5 items around attaining an underlying surplus, including a review of certain functions to reduce costs.
- 4 items on our approach to infrastructure, no specific savings identified.
- 9 items on increasing income, potential $100,000 per year from additional developer contributions to fund infrastructure, and a potential $100,000 from additional own source revenue opportunities.
- 10 further items on increasing income, around increasing rates and consideration

of a special rate variation application.
- 11 items on adjusting service levels and community expectations, generally around deferring discretionary funding levels, which will need to continue.
- 14 items on community engagement and discussing our financial position with the community.

While a detailed review of each item is to be completed, it is apparent that the direct increases in revenue or reductions in expenditure is likely to only net an improvement of $250,000 per annum. While this is significant, it would provide only part of a solution to financial sustainability. Further work will be completed on these actions.

It is therefore considered imperative that a dialogue with the community commences around Council's financial sustainability. A Communications and Engagement Plan **(ATTACHMENT 3)** has been developed for Council's endorsement. The initial phases are to commence in July 2022, combining a mix of face to face and digital conversations and consultations. While the engagement process is about clearly communicating the current financial position and implications of current projections, a conversation about possible rate increases needs to take place. The engagement data will then be used by Council to make an informed decision as to the path forward.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Council will continue to implement strategies, initiatives and plans to achieve the financial key directions as adopted in October 2021 **(ATTACHMENT 1)**. The proposed engagement with the community will need to examine a range of options for Council to meet the goal of financial sustainability.

For financial sustainability into the future it is considered critical that:

- An underlying surplus is achieved for resilience and ability to reinvest into asset maintenance.
- Reserves for natural disaster response and grants attraction are established.
- Continue to develop the Prosperity Fund, renamed Resilience Fund, to provide alternate funding opportunities for significant initiatives, such as reinvestment, asset improvements or significant community infrastructure.

In anticipation of the community engagement phase commencing **(ATTACHMENT 3)** a number of different scenarios have been modelled. These options will form the basis of engagement with the community on Council's financial sustainability.

The cost of the engagement process **(ATTACHMENT 3)** can be met within existing budgets.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have adequate funding to ensure ongoing operations without a significant change in service levels.	High.	Adopt the recommendations. Commence community engagement process on financial sustainability.	Yes.
There is a risk of engaging negative outcomes from the community regarding poor financial position and a potential rate increase.	High.	Adopt the recommendations. Clear and concise data driven communication and engagement on the reasoning, purpose, need and impact for financial sustainability measures.	Yes.
There is a risk that Council will face an increasingly uncertain long term financial outlook that will affect ongoing financial sustainability.	High.	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continued attainment and enhancement of financial sustainability is central to Council's ability to continue to deliver services valued by the community in the best possible way.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

Internal

- Executive Team.
- Senior Leadership Team.
- Project Control Group – Financial Sustainability.
- Councillor workshops.

External

- Community Strategic Plan 2022-2032.
- Long Term Financial Plan 2022-2032.
- Delivery Program and Operational Plan 2022-2032.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Financial Sustainability and Prosperity Fund - 26 October 2021.
2) Base Scenario.
3) Communications and Engagement Plan - Our Funded Future.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 FINANCIAL SUSTAINABILITY AND PROSPERITY FUND - 26 OCTOBER 2021.

ATTACHMENT 1

COUNCIL MEETING – 26 OCTOBER 2021

ITEM NO. 14 **FILE NO: 21/250545**
EDRMS NO: PSC2017-00180

PORT STEPHENS COUNCIL FINANCIAL SUSTAINABILITY AND PROSPERITY FUND

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the key directions for ongoing financial sustainability as detailed in this report.
2) Endorse the establishment of the Prosperity Fund.
3) Receives a report within 6 months to endorse associated governance processes for the Prosperity Fund.

BACKGROUND

Council's financial sustainability has been achieved and enhanced through the implementation of a range of strategies since the early 2010's. A central aspect of this has been maintaining approximately 1% of budget as an underlying operating surplus. This has enabled ongoing reinvestment into critical works and services.

Achieving this metric has been supported by our rolling Service Review program that provides for ongoing efficiency reviews of Council services and aims to deliver ongoing budget savings.

Effective financial reserve management and ongoing success with grant funding has also supported Council's ongoing achievement of key metrics, such as reduction of asset backlog, as well as the attainment of financial reporting metrics as determined by the Office of Local Government. Council has been able to increase its capital works spend considerably over time as financial sustainability has been achieved.

Council has also pursued a strategy of increasing sources of non-rate revenue to support the provision of Council services to the community. This has been embedded into Council's Delivery Program and Operational Plans. This strategy has been successful and has enabled Council to maintain the lowest rates in the region whilst continuing to deliver services valued by the community.

The key sources of non-rate revenue for Council include returns from:

- Council's property development and investment portfolio – managed in accordance with the Property Investment Strategy.

COUNCIL MEETING – 26 OCTOBER 2021

- Council's Beachside Holiday Parks (BSHP) operations – managed in accordance with the 4 Year Delivery Program.
- A dividend from the operations of Newcastle Airport Pty Limited (NAPL) – managed in accordance with separate NAPL governance processes.

In addition to these key sources of non-rate revenue Council has also initiated strategies around additional revenue from Smart Parking in town centres across the LGA.

The key tool for Council to effectively plan for, and deliver, ongoing financial sustainability is the Long Term Financial Plan (LTFP). For some time the LTFP has identified 2021/2022 and 2022/2023 financial years as being tight with predicted underlying surplus generally being lower than Council's target of 1% of budget. This prediction was on account of expected legislated increases in superannuation contributions amongst other factors.

From 2020, Council has been faced with a challenging financial position as a result of the COVID-19 pandemic (the pandemic). This included the loss of an annual dividend from NAPL and impacts to commercial operations from public health orders. The pressure of the pandemic forced Council to reassess capital projects and discretionary spending, including recruitment, and produced a small operating deficit of $185k in the 2019/2020 financial year. This is the first reported underlying deficit since 2012.

At the time of setting the 2020/2021 budget the impacts of COVID-19 were thought to result in a budgeted underlying deficit of $4.4 million. Council's results for the 2020/2021 financial year have resulted in an underlying surplus of $583,000. This has been achieved through managing discretionary aspects of Council's budget as well as performance from non-rate revenue sources such as the Beachside Holiday Parks.

Despite Council's demonstrated ability to implement effective short term strategies, the ongoing effects of COVID-19, including lockdown periods through the first part of 2021/2022 are continuing to impact Council's financial position. The updated LTFP projections highlight that Council requires the re-setting of strategies to attain ongoing financial sustainability into the future.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

These recent results indicate that Council is effective in implementing clear business decisions to minimise short term impacts to Council's financial position.

COUNCIL MEETING – 26 OCTOBER 2021

A range of external factors **(ATTACHMENT 1)** will continue to present ongoing challenges to the financial sustainability of Council.

Accordingly, Council will implement a range of strategies, initiatives and plans across a range of focus areas as shown in **(ATTACHMENT 2)** and include the following key directions:

- Avoid shocks – focus on reserve management and cash forecasting in order to recover from recent impacts and continue to have resilience to meet ongoing impacts.
- Attain underlying surplus – move back to achieving 1% underlying surplus as a key metric of financial sustainability and review the need to increase this target over time.
- Prosperity Fund – establish an internally governed reserve for significant organisational projects, financial sustainability or commercial reinvestment funded through excess non-rate revenue (as detailed below).
- Increase income – to continue to meet community expectations further opportunities will be examined to increase income sources to Council including statutory processes relating to rates, fees and charges as well as increasing non-rate revenue.
- Review and adjust services – continue existing Service Review program to drive operational efficiencies (budget savings) and reinvest in services and works expected from the community.
- Advocacy and partnerships – to assist with the success of grants and to minimise external impacts to the organisation.

What has also been evident in recent history is the growing importance of non-rate revenue streams. Based on Council's ongoing management, non-rate revenue streams can generate revenue in excess of what is required to maintain services and reinvest in these revenue sources. In these instances Council have episodically allocated these excess funds into specific projects or initiatives, commonly infrastructure projects across the LGA.

Whilst this has enabled Council to fund projects outside of rate revenue or grant based sources, this has typically been one off projects. Accordingly, there is also an opportunity for Council to improve decision making around the use of excess non-rate revenue sources to ensure that Council is strategic in its use of these funds.

Moreover, the ability to align and pool these funds also provides a unique opportunity for Council to utilise this funding for large scale strategic projects and initiatives such as:

- Infrastructure in demand for the community.
- Contribute to Council's financial sustainability such as providing a cash backed reserve to assist funding emergency response.
- Investment in initiatives to extend and or provide additional returns to Council.

COUNCIL MEETING – 26 OCTOBER 2021

Council has developed the Port Stephens Council Prosperity Fund to provide this governance and decision framework for the use of excess non-rate revenue for Council. An overview of the Prosperity Fund is provided at **(ATTACHMENT 3)**.

The overall aim of the Prosperity Fund is to ensure that the use of excess non-rate revenue is directed towards significant projects, investments or initiatives to achieve the strategies of Council. The Prosperity Fund includes:

- Clear objectives and criteria for the use of funds towards significant projects, investments or initiatives to achieve the strategies of Council.
- Clarity on the use of non-rate revenue streams to ensure that these streams can be perpetuated and enhanced over time to continue to offset Council services and reliance on rate based revenue.
- Details on the management of the reserve including cash and minimum reserve levels to maintain effectiveness of this fund.
- Governance processes including the establishment of a Prosperity Fund Oversight Committee to administer the fund.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	Yes		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications from the adoption of the recommendations of this report. Should Council endorse the broad directions outlined in this report further detailed governance processes will be developed.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council face an increasingly uncertain long term financial outlook that may affect ongoing financial sustainability.	Medium	Adopt the recommendations.	Yes

COUNCIL MEETING – 26 OCTOBER 2021

There is a risk that Council miss the opportunity to align the use of excess non-rate revenue that would contribute to financial sustainability and significant community projects.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The continued attainment and enhancement of financial sustainability is central to Council's ability to continue to deliver services valued by our community in the best possible way.

CONSULTATION

Consultation with key stakeholders has been undertaken in the development of the key directions for financial sustainability and the Prosperity Fund.

Internal

- Senior Leadership Team
- Executive Team
- Property Advisory Panel
- Mayor and Councillors

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Key internal and external impacts.
2) Key directions for fInancial sustainability.
3) PSC Prosperity Fund flow chart.

COUNCILLORS ROOM

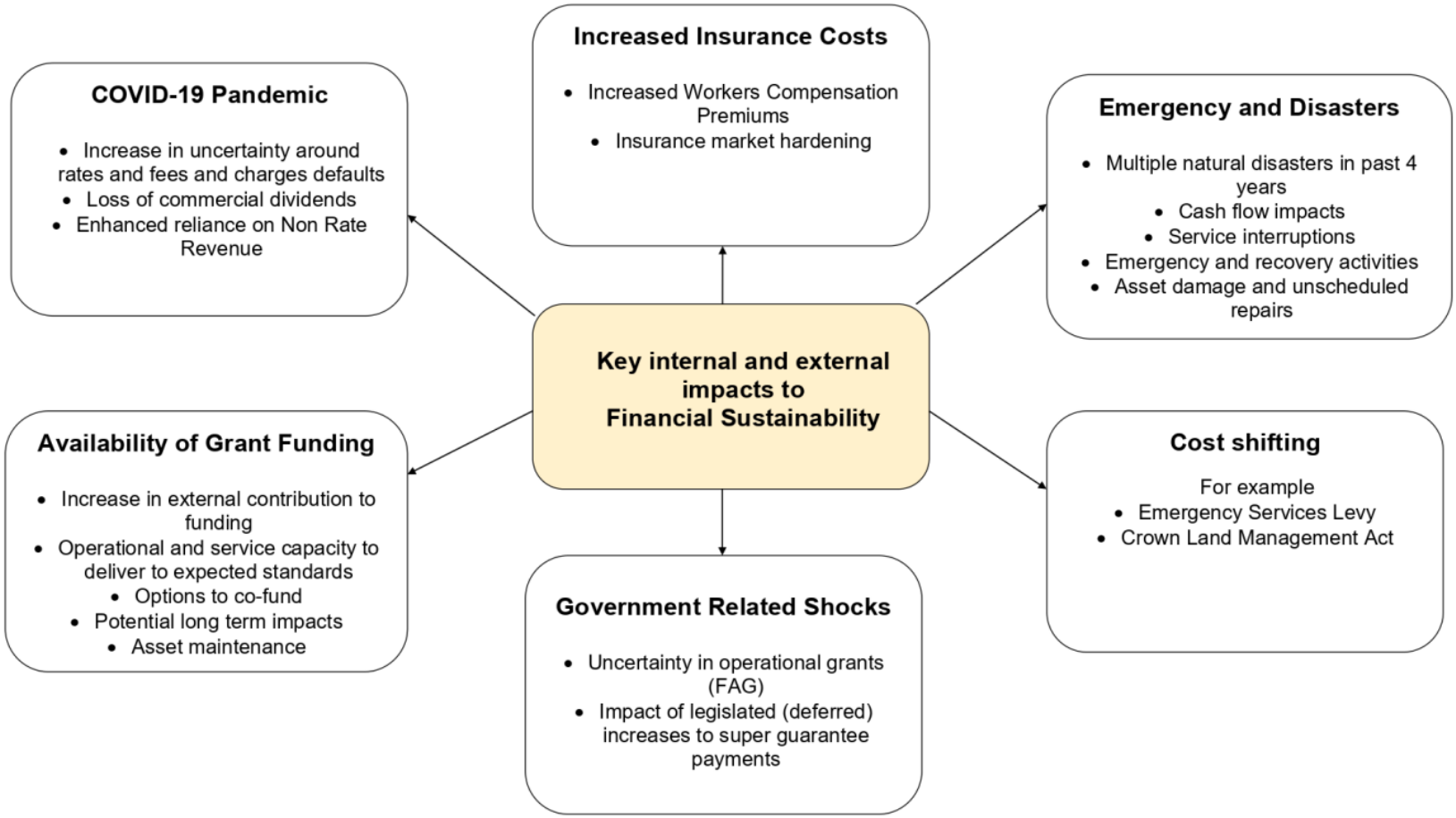
Nil.

COUNCIL MEETING – 26 OCTOBER 2021

TABLED DOCUMENTS

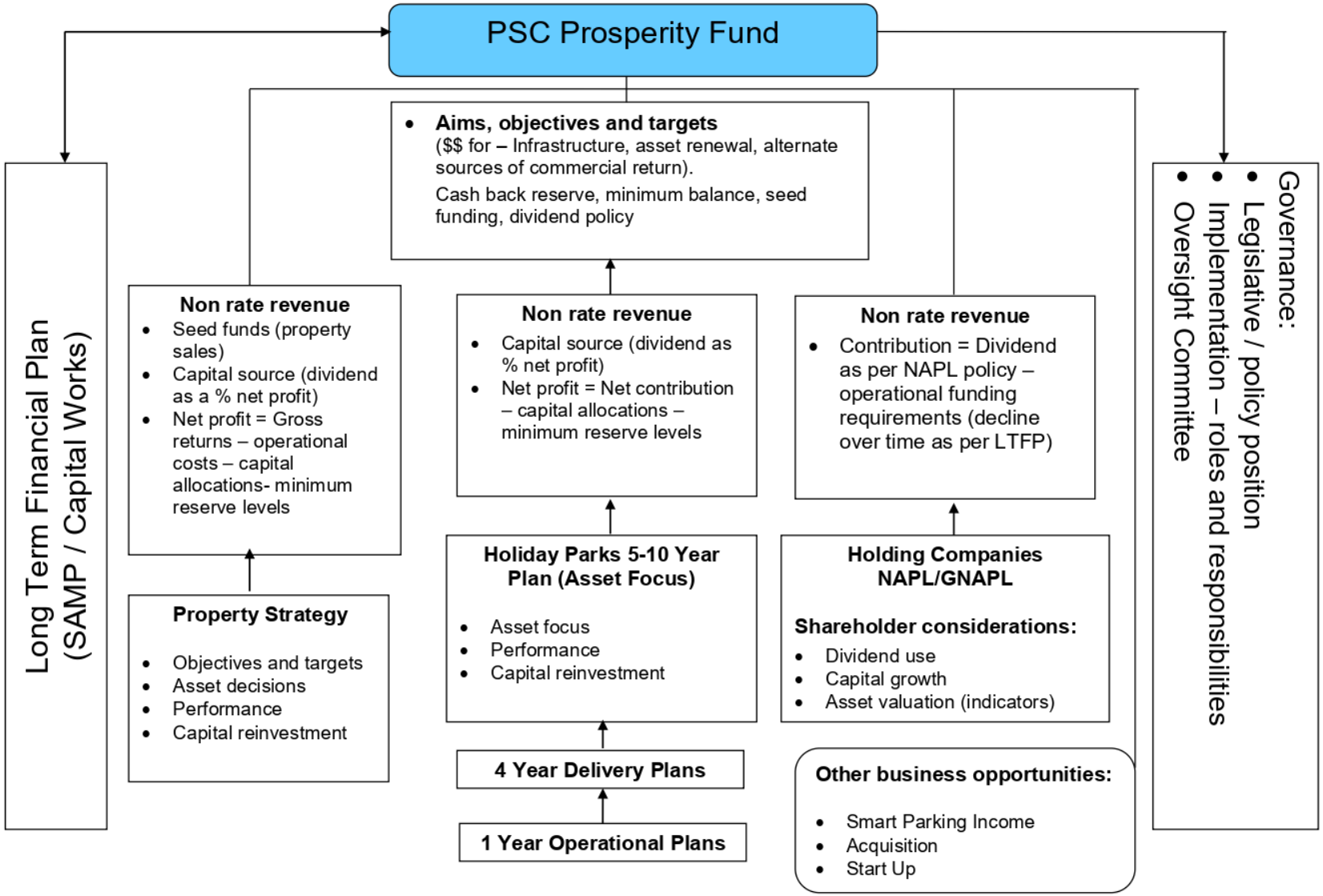
Nil.

ITEM 2 - ATTACHMENT 1 FINANCIAL SUSTAINABILITY AND PROSPERITY FUND - 26 OCTOBER 2021.



KEY DIRECTIONS FOR FINANCIAL SUSTAINABILITY
1
AVOID SHOCKS
* Reserve management
* Cash flow forecasting
2
ATTAIN UNDERLYING SURPLUS
* Operational efficiencies
* Reinvestment
3
REFINE APPROACH TO FUNDING SIGNIFICANT INFRASTRUCTURE PROJECTS AND INITATIVES
* Prosperity Fund
* Dividend return from non-rate revenue sources
4
INCREASE INCOME
* Statutory rates processes
* User fees and charges reviews
* Non-rate revenue performance
* Grants
5
REVIEW AND ADJUST SERVICES
* Continue discipline on savings/operational efficiencies
* Move to attainment of growth in value for the community
6
INCREASE ADVOCACY & PARTNERSHIPS
* Avoid, minimise and mitigate external impacts
Strategies for ongoing Financial Sustainability

ITEM 2 - ATTACHMENT 1 FINANCIAL SUSTAINABILITY AND PROSPERITY FUND - 26 OCTOBER 2021.



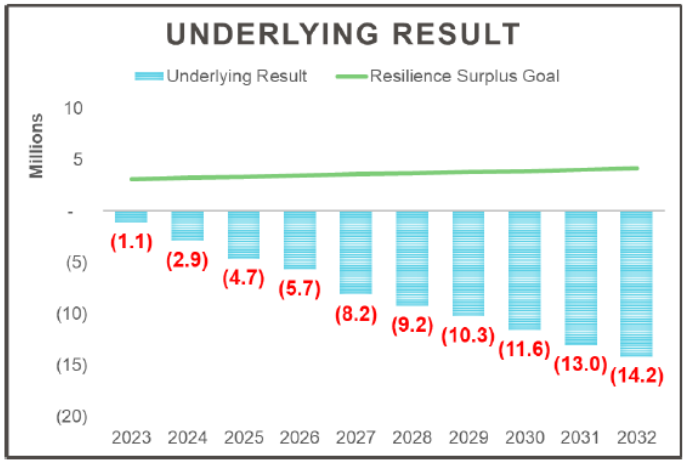
ATTACHMENT 2

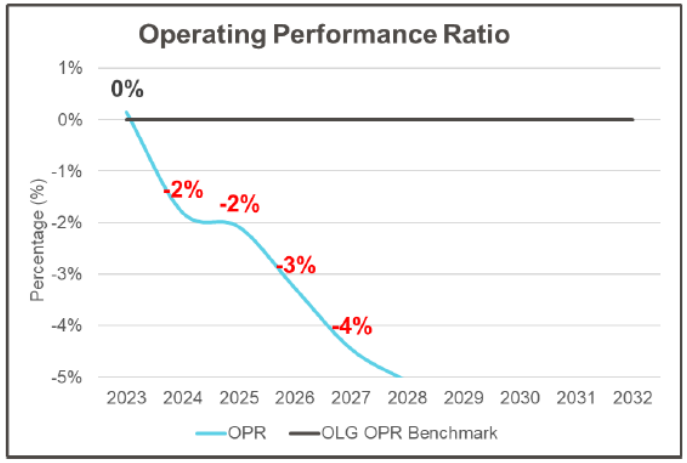
Base Scenario – Current 2022 Long Term Financial Plan

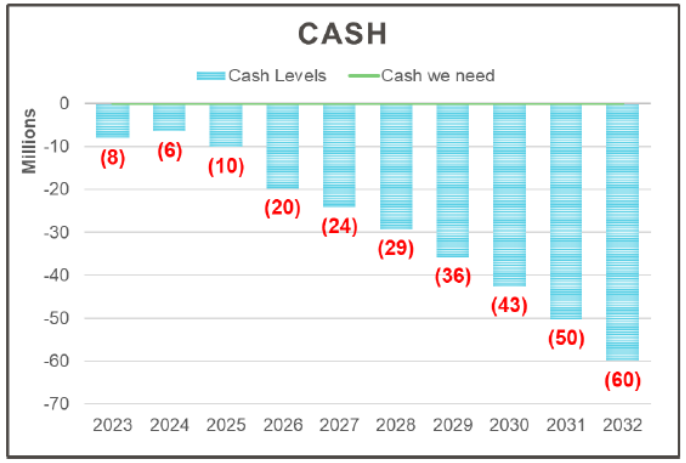
Council's current 2022 Long Term Financial Plan has factored income producing strategies recently undertaken by Council such as increasing fees and charges and additional smart parking income. Council is facing **10 years of consecutive operating deficits**. It is **unable** to achieve its **resilience** surplus target in **any year of the plan.** This means Council for the **entirety** of the plan will be in facing severe financial pressure, will not handle any future external shocks and cash flow management is in critical condition. Ultimately Council will have to examine and **reduce service level** provisions and **assets** will be subject to heavy **deterioration.**

($80,843,259)

10 Year Financial Sustainability Gap







ITEM 2 - ATTACHMENT 3 COMMUNICATIONS AND ENGAGEMENT PLAN - OUR FUNDED FUTURE.

Communications and Engagement Plan

Our Funded Future

June 2022

It's time to look at how we do business, where Council can improve revenue, find savings and strike a balance between the needs of our community and Council's funded future.

PORT STEPHENS COUNCIL

A commitment to long term financial sustainability

Over the past 10 years, Council has maintained a strong and stable financial position achieving an underlying operating surplus of at least 1% of budget.

The key tool that Council uses to effectively plan for and deliver ongoing financial sustainability is the Long Term Financial Plan (LTFP). For some time the LTFP has identified the 2021/2022 and 2022/2023 financial years as being tough with the predicted underlying surplus lower than Council's target of 1% of budget. This prediction was based on Councils understanding of increasing operational costs including increasing insurance premiums and legislated changes in superannuation contributions.

Knowing this, Council has focused on streamlining services and reducing operational expenditure as well as growing sources of non-rate revenue. Central to this approach has been the implementation of our rolling Service Review program, which for over 10 years has provided a comprehensive process to reduce costs whilst still delivering services to meet community expectations.

Coupled with this, Council's approach has included increasing profits from non-rate sources including Council holiday parks, revenue from a diverse property and investment portfolio along with dividends from the operations of Newcastle Airport (of which Council is part owner).

This approach has allowed Council to reinvest funds into critical works and services, support opportunities to secure grant funds and deliver placed based programs which improve the liveability and wellbeing of the community.

At the same time, Council has reduced its asset backlog, achieved relevant financial reporting metrics with the Office of Local Government and slowly but surely, increased its capital work spend to a record $26 million during 2020/2021.

However, 2020 came with a whole new set of unpredicted challenges with a major storm event and the COVID-19 pandemic impacting revenue streams and forcing Council to reassess capital projects and discretionary spending.

At the time of setting the 2020/2021 budget the impacts of COVID-19 were expected to result in an underlying deficit of $4.4 million however, with careful planning and a commitment to further reducing expenditure a surplus of $583,000 was achieved.

Despite Council's ability to implement effective short term strategies, the ongoing effects of COVID-19 and the lockdown periods through the first part of 2021/2022 have continued to negatively impact Council's financial position. Like most business the impacts of the past two years have forced Council to stop and reset.

With a new Council in place, it's time to look at how we do business, where Council can improve revenue, find savings and strike a balance between the needs of our community and Council's funded future.

This plan outlines Councils commitment to ensuring meaningful community engagement. This will ensure the community has an informed understanding of Councils current financial position and the ability to participate in decisions affecting financial sustainability for the residents of Port Stephens well into the future.

Objectives

- Increase community awareness of Council's financial situation and its journey to date
- Inform the community about Council's financial sustainability options
- Seek community feedback on options for Council's financial sustainability
- Identify the community's views on options for financial sustainability

Engagement approach

Engagement level

In the first instance, engagement will include 3 phases.

- **Phase 0** – inform the community on Council's financial situation and the current and short term mitigation strategies that have been implemented to date.
- **Phase 1** – provide options to the community that creates a financially sustainable Council.
- **Phase 2** – publically exhibit the options within the Integrated Planning & Reporting documents or further discuss the community's views on the preferred options if necessary (This phase is dependent on the outcome of Phase 1).

Further engagement phases are possible pending outcomes of Phases 1 and 2 and will be planned prior to commencement once the community's desires are understood.

Engagement level	Phase 0	Phase 1	Phase 2
Level 1 – Inform Provide stakeholders with information to assist them in understanding the problems, alternatives and/or solutions.	✓		
Level 2 – Consult Obtain stakeholder feedback on the project to aid decision making.			
Level 3 – Involve Work with stakeholders throughout the project, ensuring issues and concerns are understood and incorporated in decision making.		✓	✓
Level 4 – Collaborate Partner with stakeholders throughout the project to develop alternatives and identify the preferred solution.			

Engagement methods

Phase	Engagement methods
Phase 0 **Community education**	**Communications** • Media release – Financial Sustainability Report Outcome • Media release – Independent financial reports • Media release – Save the Dates • Social media • Council website page with background and independent reports

Phase	Engagement methods
Phase 1 **Financial suitability options**	**Communications** • Media release • Social media including paid social • Newspaper notice Examiner • Your Port issue • Videos for website and socials • Community newsletters/notice – MyPort, Bizlink, Mylink • Direct email to Port Stephens Interagency • 'Have your Say' membership email distribution • Council website page including alert and navigation icon on home page, FAQs, links etc. • On hold messaging • Councillor social media toolkit **Engagement** • Ethelo as an online survey and deliberation tool • Interactive online rating calculator • Independent webinar – Professor Drew • 1 live Facebook Q&A • 3 x drop in face to face sessions with allocated presentation time • 1 x drop in session online with allocated presentation time • Meetings with special interest groups • Designated email address process • Officer call paths for direct calls to Customer Experience

Phase	Engagement methods
Phase 2 **Public exhibition**	**Communications** • Media release • Social media including paid social • Newspaper advertisements – existing notices • Videos for website and socials • Community newsletters/notice – MyPort, Bizlink, Mylink • Direct email to Port Stephens Interagency • 'Have your Say' membership panel email distribution • Council website page • On hold messaging • Councillor social media toolkit **Engagement** • 1 x live Facebook Q&A session • 1 x drop in face to face session • Interactive online rating calculator • Online and hardcopy submissions • Designated email • Officer call paths for direct calls to Customer Experience

Success criteria

Engagement methods target all Port Stephens demographics

Minimal negative feedback on engagement process

Minimal negative submissions received during Phase 2 of engagement

(pending phase 1 completion)

Community feedback reflected in direction taken by Council

Stakeholders

Key:

- **High interest, high influence** — immediate and direct, tailored approach
- **High interest, low influence** — immediate, tailored approach
- **Low interest, high influence** — tailored approach
- **Low interest, low influence** — general approach

Name and contact	Interest	Influence
External		
Rate payers and residents	High	High
General community	High	High
Special interest groups	High	Medium
Independent Planning & Reporting Tribunal (IPART)	High	High
Media	High	Low

Key risks

Risk	Mitigation strategy
Previous rate increase proposal not supported by parts of the community or IPART	• Community engagement campaign providing story and context. • FAQ on website.
Financial situation a surprise to the community	• Education and communication of financial sustainability. • Communication campaign providing story and context. • Communication campaign outlining strategies undertaken to reduce expenditure and create savings.
Community backlash	• Information and education of Council's financial position and financial sustainability workshops (including independent reports). • Status quo or no rate increase option available.
Engagement perceived as not genuine and transparent	• Clear messaging about how community feedback will be used. • Many engagement methods to be used and promotion of each. • Reporting back to the community on link between decisions and community feedback.
Phase 1 formal report not prepared within timeframe	Pre-planned days scheduled for Council staff to analyse data and prepare report.

Key milestones

Milestone	Date
Engagement plan approval	28 June 2022
Phase 0 – communication commence	29 June 2022
Phase 1 - engagement opens	18 July 2022
Phase 1 - engagement closes	8 August 2022
Phase 1 - engagement report completed	25 August 2022

Key milestones for Phase 2 will be determined pending the outcome of Phase 1.

Engagement approach

Phase 0 and Phase 1

Key messages for Phase 0 include:

- We have been talking with and listening to our community over the past 2 years to understand the needs, priorities and aspirations for Port Stephens. Our community feedback has informed the direction of the new Integrated Planning & Reporting documentation including the 10 year Community Strategic Plan 'Our Place, Our Plan, Our Future'.
- From 2013 to 2019 Council has been making a consistent small surplus each year. Doing more with less.
- Unfortunately, the last 2 years of COVID-19 impacts have taken their toll. Income from our holiday parks, childcare centres and the Newcastle Airport has been slashed, while at the same time the construction, transport and insurance costs have continued to increase. These impacts have also been further exacerbated by 2 major storm events.
- Council's current and forecast financial situation will make it very difficult to meet the community needs, priorities and aspirations shared with Council over the past 2 years to the same level unless we develop a new approach.
- In September 2021, Council's quarterly budget review predicted a deficit of $2.5 million and Council sought independent financial advice and assistance in financial forecasting. In response Council focused on finding internal savings and curbing discretionary spending. Council also adopted the key directions and strategies for ongoing financial sustainability.
- Independent experts were commissioned to delve into the finances of Council and provide an analysis of the overall financial sustainability of the organisation.
- Reports identified that Council was not financially sustainable and needed to urgently consider a recovery plan to ensure the financial health of the organisation could be turned around. Report recommendations outline that Council needs to carefully consider its ability to raise revenue.

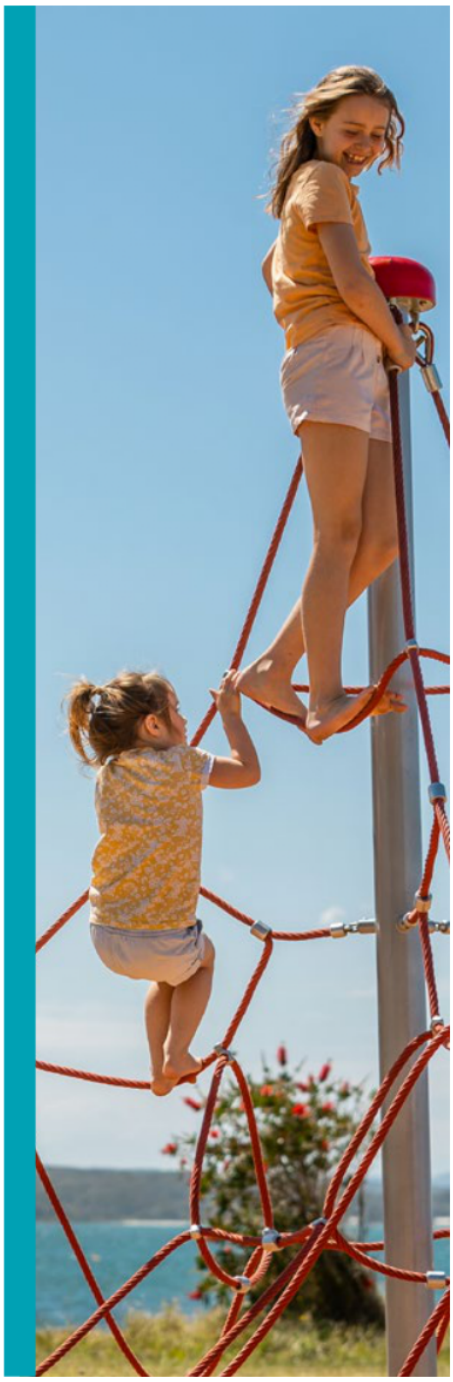
- The independent reports were presented to the Council in March 2022 and led to the Council committing to numerous workshops on financial sustainability to take an in depth look at Council's finances and consider all possible solutions to strike a balance between the needs of our community and Council's financial future.
- Council has been considering all options to improve Council's financial situation including reducing service delivery, increasing fees and charges, a rate variation or investigating new revenue streams or property sales.

Phase 1

Additional key messages for phase 1 only.

- A strong financial future would mean a resilient underlying result.
- Changes to our rate revenue is definitely an option but if our community wants to keep rates low, we need to look at all other options as well to find other ways to fund services like our sports fields, infrastructure projects, libraries and events.
- Council has completed the initial investigations and Council is seeking community input on a number of options to shape our financial future.
- Find out more and review the options by visiting portstephens.nsw.gov.au/ourfundedfuture to watch the webinar by an independent expert, register to attend a community Q&A session or complete the online survey.
- The community can share their thoughts on the proposed options until Monday 8 August 2022.

Key messages for other phases to be developed post outcome of each previous phase.



Action Plan

Detailed action plan for Phase 0 and Phase 1.

Activity	Date
Financial Sustainability Report – Endorsement of engagement plan	28 June 2022
Media Release/Social post – Financial Sustainability Report Outcome	29 June 2022
Council website page goes live	29 June 2022
Content to printers for YourPort	29 June 2022
Direct emails to stakeholder groups	29 June 2022
Media Release/social post – Independent Financial Reports	6 July 2022
Newspaper notice content to Examiner	8 July 2022
Media release/social post – Save the date for engagement sessions	14 July 2022
Content to printers for Rates Notice	15 July 2022
Social media toolkit to Councillors	15 July 2022
Media release/socials – Engagement commences	18 July 2022
Community newsletter notices distributed	18 July 2022
Webinar available	18 July 2022
Online calculator live	18 July 2022
Ethelo survey live	18 July 2022
On hold messaging live	18 July 2022
PS Facebook Live Q&A	20 July 2022
Community drop in session – Central Ward	27 July 2022
Community drop in session – East Ward	28 July 2022
Community drop in Session – West Ward	1 August 2022
Community drop in Session – Online	3 August 2022
Special interest group meetings	29 June to 5 August 2022
Engagement concludes and engagement tools close	8 August 2022
Phase 1 Engagement Report Completed	25 August 2022
Financial sustainability engagement results	25 August 2022

Further engagement with the community to occur after completion of Phase 1.

ITEM 2 - ATTACHMENT 3 COMMUNICATIONS AND ENGAGEMENT PLAN - OUR FUNDED FUTURE.

PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | PORTSTEPHENS.NSW.GOV.AU

ITEM NO. 3 **FILE NO: 22/154363**
EDRMS NO: PSC2008-9962

POLICY REVIEW: ALTERNATIVE DISPUTE RESOLUTION

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the revised Alternative Dispute Resolution policy shown at **(ATTACHMENT 1)**.
2) Place the revised Alternative Dispute Resolution policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
3) Revoke the Alternative Dispute Resolution policy dated 10 December 2019, Minute No. 256 should no submissions be received.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

162	**Councillor Leah Anderson** **Councillor Chris Doohan** It was resolved that Council: 1) Endorse the revised Alternative Dispute Resolution policy shown at **(ATTACHMENT 1)**, subject to retaining clause 3.2. 2) Place the revised Alternative Dispute Resolution policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council. 3) Revoke the Alternative Dispute Resolution policy dated 10 December 2019, Minute No. 256 should no submissions be received.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Alternative Dispute Resolution Policy (policy) shown at **(ATTACHMENT 1).**

The purpose of the Alternative Dispute Resolution Policy is to provide a process to help resolve disputes that relate to Port Stephens Council in a clear, consistent and fair manner. It relates to planning, development, environment, enforcement, land management, customer and business issues.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

The policy has been reviewed as part of Council's ongoing policy review program.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing budget.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Due to its business, community and regulatory roles, Council can find itself dealing with conflict in many areas including the building, development assessment and planning areas, neighbourhood disputes over trees, noise, odours and animals.

Many of these disputes may be dealt with effectively by staff as they arise, however at times some disputes may escalate into significant issues which consume considerable time, energy and community money to address.

Mediation, negotiation, facilitation and other forms of Alternative Dispute Resolution can be used when appropriate to assist resolve difficult disputes or as an alternative to the expensive and time-consuming option of litigation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that lack of clear policy and principles in relation to alternative dispute resolution will lead to time-consuming and costly litigation, and more conflict in dispute handling processes.	Medium	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The endorsement of clear policy and principles will help ensure a consistent approach and effective use of Council resources in relation to enforcement and dispute handling.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance Section.
Internal

The policy has been endorsed by Council's Executive Team.

External

In accordance with local government legislation the draft policy will go on public exhibition for 28 days.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Revised Alternative Dispute Resolution policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 REVISED ALTERNATIVE DISPUTE RESOLUTION POLICY.

Policy

PORT STEPHENS COUNCIL

FILE NO: **PSC2008-9962**

TITLE: **ALTERNATIVE DISPUTE RESOLUTION**

POLICY OWNER: **GOVERNANCE SECTION MANAGER**

1. PURPOSE:

1.1 The purpose of this policy is to provide a process to help resolve disputes that relate to Port Stephens Council. The framework sets out a clear, consistent and fair means to address disputes in an effective and cooperative manner. This Policy also provides an alternative dispute handling process that is less formal and less costly than litigation.

1.2 This policy relates to planning, development, environment, enforcement issues, land management, customer and business disputes.

2. CONTEXT/BACKGROUND:

2.1 Due to its business, community and regulatory roles, Council can find itself dealing with conflict in many areas including the building, development assessment and planning areas, and neighbourhood disputes over trees, noise, odours and animals. Many of these disputes may be dealt with effectively by staff as they arise, however at times some disputes may escalate into significant issues which consume considerable time and resourcing to address.

2.2 Mediation, negotiation, facilitation and other forms of Alternative Dispute Resolution (ADR) can be used when appropriate to assist to resolve difficult disputes or as an alternative to the expensive and time-consuming option of litigation.

2.3 Not all difficult issues will warrant the use of alternative dispute resolution processes involving independent negotiators or mediators. Many disputes can be dealt with and resolved informally by staff without the need to resort to other means. This policy is only meant to cover the more difficult disputes that Council encounters where it is considered that an alternative dispute handling process is the best option.

2.4 The NSW Ombudsman encourages NSW councils to use ADR as an alternative to litigation and as a means to help resolve disputes between members of the community involving councils.

2.5 In accordance with NSW Ombudsman's guidelines, this policy must not fetter or limit the range of discretion conferred by a statute on Council staff involved in regulatory or

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enforcement matters. In exercising that discretion, officers must not act under the dictation or at the behest of any third person or body.

2.6 This policy is meant only to provide guidance in the exercise of those powers and at times, depending on the issues surrounding the particular dispute, mediation or negotiation may not be the best option.

3. SCOPE:

3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters have a direct effect on the rights, interests or legitimate expectations of individuals within the community.

~~3.2 Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement functions will be undertaken in a consistent and equitable manner. A consistent approach also helps Council to deal with breaches of the law in a procedurally sound and cost effective way.~~

4. DEFINITIONS:

Alternative Dispute Resolution (ADR)	The term "alternative dispute resolution" or "ADR" is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes. ADR systems may be generally categorised as negotiation, conciliation/mediation, or arbitration systems.
Arbitration	Arbitration is a process where the parties present arguments and evidence to an independent third party, the arbitrator, who makes a determination. It may be voluntary, ordered by ~~the~~ a Court or Tribunal or required as part of a contract.
Facilitation	The term facilitation is broadly used to describe any activity which makes tasks for others easy. For example: Facilitation is used in business and organisational settings to ensure the designing and running of successful meetings or negotiations. A person who takes on such a role is called a facilitator.

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Mediation	A process in which parties to a dispute with the assistance of a neutral third party ("the Mediator") identify disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.
Mediation Agreement	A mediation agreement is a written agreement setting out the terms of settlement reached between the parties to the mediation process. The agreement is confidential except where the terms of the agreement expressly permit part or all of its contents to be divulged to other parties. The agreement must be signed by all parties to the agreement.
Negotiation	At its most basic, negotiation is an informal bargaining process. It takes place directly between the people in dispute, but can be assisted by others e.g. lawyers and advocates. The people involved in the dispute communicate directly to try to reach an agreement. Communication may be written or spoken. ~~and~~ The process of negotiation may take some time.

5. **POLICY STATEMENT:**

5.1 This policy endeavours to:

5.1.1 Establish a clear, consistent and fair process to help address disputes.
5.1.2 Provide an~~d~~ alternative dispute handling process that is less formal and more cooperative than litigation.
5.1.3 Save time and costs.
5.1.4 Reduce conflict in the dispute handling process.

5.2 This policy will apply to development, environment and land management disputes and other disputes concerning animals, trees, noise, effluent, odours and other forms of pollution. It also applies to business disputes.

5.3 Principles - the following principles relate to the way ADR is applied by Council:

5.3.1 ADR is a voluntary process (except where ordered by a Court or Tribunal).

5.3.2 To preserve the legitimacy of the process, all parties to ADR are given the opportunity to be represented and have control over the outcomes.

5.3.3 Where appropriate, ADR is to be initiated as soon as possible to avoid issues escalating.

5.3.4 Council will ensure confidentiality and respect privacy requirements when dealing with disputes.

5.3.5 Council will ensure procedural fairness in ADR matters.

5.3.6 Where mediation is used as one of the ADR options, the mediator is to be suitably qualified, independent and impartial to the dispute at hand.

5.3.7 Any mediation agreement will be documented and signed by all parties.

5.3.8 Costs associated with ADR are generally shared between all parties to the dispute unless other arrangements are agreed to by Council.

5.4 Awareness and Co-operation

5.4.1 Council will encourage parties to a dispute to resolve issues as they arise or come to notice before they escalate into significant matters.

5.4.2 Council will take a proactive approach to minimise the occurrence of disputes.

5.5 Approach – Council will not enter into ADR where:

5.5.1 There are issues that relate to the content of Council Policies (as opposed to application of a policy)

5.5.2 A dispute may create a planning precedent.

5.5.3 The parties are not willing to co-operate.

5.5.4 Council does not believe that ADR is the best option, based on the particular circumstances and broader public interest considerations.

6. POLICY RESPONSIBILITIES:

6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

7. RELATED DOCUMENTS:

7.1 Compliance Policy
7.2 Complaint Handling Policy
7.3 Managing Unreasonable Complainant Conduct Policy
7.4 Council Prosecutions Policy
7.5 Port Stephens Council Code of Conduct

Policy

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2008-9962	**EDRMS record No**	
Audience	Port Stephens community, elected body of Council & Council employees		
Process owner	Governance Section Manager		
Author	Legal Services Manager		
Review timeframe	~~2~~ 3 years	**Next review date**	~~10 December 2021~~ 28 June 2025
Adoption date	28 April 2009		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/04/2009	Manager Environmental Services	Adopted by Council	117
2.0	28/03/2017	Manager Legal Services	Revision of Policy and incorporation into new styling format	071

Policy

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Policy

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3.0	10/12/2019	Legal Services Manager	Reviewed this policy, including numbering to each paragraph, administrative amendments and updated version control. Policy Owner – now Governance Section Manager 1.1 – inserted the word "This" to read "This policy…" 1.2 – inserted the word "This" to read "This policy…" 2.1 – deleted "energy" and "community money" and replaced with "resourcing" 2.2 – added acronym "ADR" 2.4 – deleted "Alternative Dispute Resolution" and replaced with "ADR" 2.5 – deleted "for Local Government" 4. Definitions: Replaced the definition for "Arbitration" Deleted definitions for "Development Application", "Neutral Evaluation" and "Section 34 Conferences" 5.1 – deleted "The Alternative Dispute Resolution process" and replaced with "This policy" 5.2 – deleted "The Alternative Dispute Resolution" and replaced with "This" 5.3 – added the word "Principles" 6.1 – amended to read "Legal Services Manager is responsible…" 7.3 – added the word "Policy"	256

Policy

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4.0	28 June 2022	Legal Services Manager	Reviewed this policy including minor typographical and definition adjustments. 2.1 inserted the word "and" in the third line to read "…areas, and neighbourhood…" 2.2 inserted the word "to" in the second line to read "..assist to resolve…" Deleted 3.2 as not applicable: ~~Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement functions will be undertaken in a consistent and equitable manner. A consistent approach also helps Council to deal with breaches of the law in a procedurally sound and cost effective way.~~ 4. Definitions: Amended definition of "Arbitration" by deleting the words "the court" from the third line and replacing them with "a Court or Tribunal.." Amended definition of "Negotiation" by deleting the word "and" from the fifth line and replacing it with "The process of negotiation…" 5.1.2 amended "and" to read "Provide an alternative dispute…" 5.3.1 included "(except where ordered by a Court or Tribunal)." Changed the review timeframe to 3 years, in line with process for review of all Council policies.	

Policy

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ITEM NO. 4 **FILE NO: 22/154399**
EDRMS NO: PSC2007-3003

POLICY REVIEW: COUNCIL PROSECUTIONS

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the revised Council Prosecutions policy shown at **(ATTACHMENT 1)**.
2) Place the revised Council Prosecutions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
3) Revoke the Council Prosecutions policy dated 10 December 2019, Minute No. 255 should no submissions be received.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

163	**Councillor Leah Anderson** **Councillor Chris Doohan** It was resolved that Council: 1) Endorse the revised Council Prosecutions policy shown at **(ATTACHMENT 1)** subject to retaining clause 5.4.7. 2) Place the revised Council Prosecutions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council. 3) Revoke the Council Prosecutions policy dated 10 December 2019, Minute No. 255 should no submissions be received.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Council Prosecutions Policy (policy) shown at **(ATTACHMENT 1).**

The purpose of the Council Prosecutions Policy is to ensure effective use of council resources in relation to legislative enforcement as well as providing the basis for separation of powers in relation to such enforcement.

The policy recognises the balance between Council's responsibility to enforce legislation and its ongoing objective of enhancing community relations and awareness. It also acknowledges the importance of the separate roles of Council employees, the elected body of Council and the Courts of Law in dealing with alleged offences.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy is within the existing budget.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The policy recognises the balance between Council's responsibility to enforce legislation and its ongoing objective of enhancing community relations and awareness. Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement function will be undertaken in a consistent and equitable manner.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that lack of clear policy and principles will lead to an inconsistent and inequitable approach to Council's enforcement function.	Medium	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The endorsement of clear policy and principles will help ensure a consistent and equitable approach, and effective use of Council resources in relation to Council's enforcement function.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance Section.

Internal

The policy has been endorsed by Council's Executive Team.

External

In accordance with local government legislation the draft policy will go on public exhibition for 28 days.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Revised Council Prosecutions policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy

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FILE NO: **PSC2007-3003**

TITLE: **COUNCIL PROSECUTIONS**

POLICY OWNER: **GOVERNANCE SECTION MANAGER**

1. PURPOSE:

1.1 As part of its role in the community, Council needs to ensure that breaches of law, which it has authority to pursue are dealt with in a consistent and equitable manner. It is also imperative that, in observance of the principles of good government, Council has in place a framework for the proper exercise of powers of enforcement vested in it.

1.2 This policy is aimed at providing the basis for separation of powers in relation to Council enforcement of legislation. It is also aimed at ensuring effective use of Council resources in relation to legislative enforcement

2. CONTEXT/BACKGROUND:

2.1 As part of its regulatory role, Council is responsible for enforcing provisions under a number of NSW Acts and Regulations.

2.2 This policy recognises the balance between Council's responsibility to enforce legislation and its ongoing objective of enhancing community relations and awareness. It also acknowledges the importance of the separate roles of Council employees, the elected body of Council and the Courts of Law in dealing with alleged offences.

3. SCOPE:

3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters have a direct effect on the rights, interests or legitimate expectations of individuals within the community.

3.2 This policy is designed to provide guidance as to when and under what circumstances Council will pursue legal action in relation to alleged offences for which it has authority to prosecute. This policy pertains only to summary and criminal offences for which Council is the prosecuting authority; it does not apply to civil law matters involving Council.

3.3 Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement functions will be undertaken in a consistent and equitable manner. A consistent approach

Policy

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also helps Council to deal with breaches of the law in a procedurally sound and cost effective way.

4. DEFINITIONS:

Elected body of Council	Mayor and Councillors of Port Stephens Council
Employees	Those employed by Port Stephens Council
NSW Acts and Regulations	Various Acts and Regulations passed by the New South Wales Parliament
Policy	A policy that is adopted by Port Stephens Council

5. POLICY STATEMENT:

5.1 Council's mission is to foster a network of people that focuses on achieving best value services and facilities for our Community.

5.2 This envisages that Council will work with the community to achieve its goals. Council sees its role as principally being that of communicating with the community and making each citizen aware of their individual responsibilities in supporting and maintaining a sustainable community.

5.3 In its regulatory role, however, Council has a responsibility to use its enforcement functions when necessary. Legal action is one option available to Council when people purportedly break the law.

5.4 Council, when it becomes aware of alleged breaches of the law, will aim to ensure alleged offenders are treated equitably by having in place internal procedures and guidelines to address a number of issues including:

5.4.1 The intent of the alleged offender and the circumstances surrounding the alleged offence.

5.4.2 Options available to Council to help educate the community and raise awareness about legal obligations and responsibilities with the aim of deterring future similar offences. These options may include alternative dispute resolution procedures as well as sanctions and court action.

5.4.3 Criteria to help ensure reasonableness and procedural fairness.

5.4.4 The quality of evidence available to support Court action.

5.4.5 The legal, administrative and other costs associated with Court action.

5.4.6 The likelihood of success of any Court action.

5.4.7 The potential outcomes of any Court action. ~~including the quantum of any fines that Council might be paid as a result of Court action.~~

5.4.8 The deterrent effect of Court action.

5.4.9 Alternatives to Court action, including the issuing of infringement notices.

5.4.10 Whether the alleged offence has wider policy implications for Council.

5.5 An administrative review panel will be available if required to assess whether or not Council should pursue legal proceedings in relation to alleged offences. Internal review by the administrative review panel will be undertaken at the direction of the General Manager or the General Manager's delegate. Internal procedures will be used to help determine the stages where internal review can take place.

5.6 Requests by staff, the elected body of Council or members of the public for internal review of a matter must be made by representations to the General Manager or the General Manager's delegate, who will then determine whether or not such review is to be undertaken. The administrative review panel will make its recommendations to the General Manager or the General Manager's delegate for determination as to whether or not to proceed.

5.7 The final decision to prosecute will be made by the General Manager or the General Manager's delegate. The General Manager may, if he or she deems it appropriate, refer particular cases to Council. Council will be kept informed of any prosecutions.

5.8 It should be noted that, where possible, Council will attempt to recover all legal costs incurred as a result of legal proceedings it pursues in relation to alleged offences.

6. POLICY RESPONSIBILITIES:

6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

7. RELATED DOCUMENTS:

7.1 Council has authority to prosecute under a number of NSW Acts and Regulations, including but not restricted to:

7.1.1 *Local Government Act 1993* (NSW)
7.1.2 *Environmental Planning and Assessment Act 1979* (NSW)
7.1.3 *Protection of the Environment Operations Act 1997* (NSW)
7.1.4 *Companion Animals Act 1998* (NSW)

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7.1.5 *Biosecurity Act 2015* (NSW)
7.1.6 *Public Health Act 2010* (NSW)
7.1.7 *Swimming Pools Act 1992* (NSW)
7.1.8 *Food Act 2003* (NSW)
7.1.9 *Impounding Act 1993* (NSW)
7.1.10 *Boarding Houses Act 2012* (NSW)

7.2 In addition to the above, the following also relate to this policy:

7.2.1 *Government Information (Public Access) Act 2009* (NSW)
7.2.2 Port Stephens Code of Conduct

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2007-3003	**EDRMS record No**	
Audience	Port Stephens community, elected body of Council & Council employees		
Process owner	Governance Section Manager		
Author	Legal Services Manager		
Review timeframe	~~2~~ 3 years	**Next review date**	~~10 December 2021~~ 28 June 2022
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	20/06/2000	Legal Officer	Adopted by Council.	319
2.0	28/03/2017	Legal Services Manager	Minor administrative review and transfer to new corporate policy template.	070

Policy

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3.0	10/12/2019	Legal Services Manager	Reviewed this policy, including numbering to each paragraph and updated version control. Policy Owner – now Governance Section Manager 1.1 – inserted the word "This" to read "This policy…" 2.2– inserted the word "This" to read "This policy…" - replaced "Councillors" with "the elected body of Council" 3.2 - – inserted the word "This" to read "This policy…" 4 – deleted the definition of "Councillors" and replaced with the definition of "Elected body of Council" 5.6 – replaced "Councillors" with "the elected body of Council" 6. Policy Responsibilities - Removed a number of personnel listed and replaced with "6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate." 7.1 – deleted references to legislation no longer applicable (*Roads Act 1993, Rural Fires Act 1997* and *Road Transport Act* 2013) and included legislation now applicable ("7.1.5 *Biosecurity Act 2015* (NSW)", "7.1.10 *Boarding Houses Act 2012* (NSW)")	255

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4.0	28/6/2022	Legal Services Manager	Reviewed this policy and made minor amendment: 5.4.7 deleted the words "~~including the quantum of any fines that Council might be paid as a result of Court action.~~" Changed the review timeframe to 3 years, in line with process for review of all Council policies.	

ITEM NO. 5 **FILE NO: 22/159482**
EDRMS NO: A2004-0284

CODE OF MEETING PRACTICE REVIEW

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)** with yellow highlighting and "strike out" feature.
2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received.
3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council.
4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

	Councillor Giacomo Arnott **Councillor Peter Francis** That Council: 1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)** with yellow highlighting and "strike out" feature. 2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received. 3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council. 4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received. 5) Amend the Code of Meeting Practice to include the following: a) Endorse the change at clause 4.2(a) – "Presentations to public forums must be done in person and are not permitted to be written or video presentations unless the presenter is present to respond to questions per clause 4.15." b) Endorse the alternate clause 5.18 – "Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link for no more than 2 consecutive meetings. Attempt

	to attend for more than 2 consecutive meetings will result in a refusal to admit the Councillor to the audio-visual link." c) Endorse the inclusion of sub-clauses 5.28 (c) and (d) – "(c) a meeting may only not be webcast live in the case of technical issues or technical limitations. (d) in case of issues per 5.28 (c), the meeting will be paused for 5 minutes to enable troubleshooting to occur. If the issue is not fixed after 5 minutes, the meeting may continue so long as it is still being recorded for the recording to be made available after the meeting." d) Endorse sub-clause 9.9(a) - "A mayoral minute must include a statement within the motion, the report, or in the Mayor's speech, outlining why the motion is not considered to be "routine and not urgent" per clause 9.9." e) Endorse sub-clause 10.16(a) – "An amendment put forward that becomes the motion at clause 10.16, is to be noted in the minutes as being accepted by the mover and seconder of the original motion." f) Endorse 10.31 – "If any debate on an item, the Chairperson must ask the mover if they wish to utilise their right of reply prior to the item being put." g) Endorse clauses 11.10 & 20.23 – "11.10 - All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded." and "20.23 - All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded." h) Endorse the removal of 17.12-17.14: "17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where: (a) a notice of motion signed by three councillors is submitted to the chairperson, and (b) a motion to have the motion considered at the meeting is passed, and (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council. 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put. 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c)."

ORDINARY COUNCIL MEETING - 28 JUNE 2022
AMENDMENT

164	**Councillor Leah Anderson** **Councillor Giacomo Arnott** It was resolved that Council: 1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)** with yellow highlighting and "strike out" feature. 2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received. 3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council. 4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received. 5) Amend the Code of Meeting Practice to include the following: a) Endorse the change at clause 4.2(a) – "Presentations to public forums must be done in person and are not permitted to be written or video presentations unless the presenter is present to respond to questions per clause 4.15." b) Endorse the alternate clause 5.18 – "Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link for no more than 2 consecutive meetings. Attempt to attend for more than 2 consecutive meetings will result in a refusal to admit the Councillor to the audio-visual link." c) Endorse the inclusion of sub-clauses 5.28 (c) and (d) – "(c) a meeting may only not be webcast live in the case of technical issues or technical limitations. (d) in case of issues per 5.28 (c), the meeting will be paused for 5 minutes to enable troubleshooting to occur. If the issue is not fixed after 5 minutes, the meeting may continue so long as it is still being recorded for the recording to be made available after the meeting." d) Endorse sub-clause 9.9(a) - "A mayoral minute must include a statement within the motion, the report, or in the Mayor's speech, outlining why the motion is not considered to be "routine and not urgent" per clause 9.9." e) Endorse sub-clause 10.16(a) – "An amendment put forward that becomes the motion at clause 10.16, is to be noted in the minutes as being accepted by the mover and seconder of the original motion." f) Endorse 10.31 – "If any debate on an item, the Chairperson must ask the mover if they wish to utilise their right of reply prior to the item being put." g) Endorse clauses 11.10 & 20.23 – "11.10 - All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who

	voted for and against each motion or amendment, (including the use of the casting vote), being recorded." and "20.23 - All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded." h) Endorse the removal of 17.12-17.14: "17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where: (a) a notice of motion signed by three councillors is submitted to the chairperson, and (b) a motion to have the motion considered at the meeting is passed, and (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council. 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put. 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c)." i) Add a new clause at 4.25 to the draft code which reads: "Public forums are to be streamed live and made available following the Council meeting in the same terms as for regular meetings at 5.26 - 5.31." j) Add anew clause at 4.26 to the draft code which reads: "Speakers will be asked whether they consent to their contribution being streamed live and made available per 4.25. The arrangements at 4.25 will be activated only for those who consent. To preserve the flow of the recording, all speakers who do not consent will be heard prior to those who do consent."

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Crs Matthew Bailey and Chris Doohan.

The amendment on being put became the motion.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Crs Matthew Bailey and Chris Doohan.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the revised Code of Meeting Practice (the Code) **(ATTACHMENT 1)**.

The Code of Meeting Practice report was deferred at the Council meeting held on 14 June 2022.

It should be noted attending Council meetings via audio-visual link will not be available after 30 June 2022. The legislation introduced to allow attendance via audio-visual link will cease on 30 June 2022. Council will be required to make provision in the Code of Meeting Practice to enable attendance by audio-visual in the future.

The Code of Meeting Practice was considered at the Council meeting held on 26 April 2022 shown at **(ATTACHMENT 2)**.

"It was resolved that item 4 be deferred pending advice from the Office of Local Government on the question of the amendment proposed by Cr Francis, being: "Include the following clause in the Code of Meeting Practice – 11.2.1 – The casting vote be only utilised in all instances of its use to maintain the status quo".

Section 370 of the Local Government Act 1993 (the Act) states:

(1) Each councillor is entitled to one vote.
(2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Clause 11.2 of the Model Code of Meeting Practice (the Model Code) reflects the Act.

The Office of Local Government (the OLG) has advised that neither the Act nor the Model Code restrict the chairperson in how they exercise their casting vote and this is **entirely at the chairperson's discretion**.

The OLG agrees that it was open to the Mayor to rule the motion seeking to insert a new clause 11.2.1 into the Code as unlawful. This is because the proposed clause 11.2.1 sought to require the casting vote to only be used to maintain the status quo and is inconsistent with section 370 of the Act and clause 11.2 of the Model Code in that it seeks to fetter the discretion of the chairperson in their use of the casting vote.

A copy of the correspondence from the OLG is shown at **(ATTACHMENT 3)**.

The Port Stephens Council's Code of Meeting Practice is based on the revised Model Code of Meeting Practice released by the Office of Local Government on 29 October 2021 **(TABLED DOCUMENT)**.

The Code applies to meetings of the Council and Committees of Council where members are all elected members. The model Code also applies to boards of joint organisations and county councils.

Council first adopted the Code on 28 May 2019, with further amendments adopted on 9 June 2020. The Code includes mandatory and non-mandatory provisions. Council is also permitted to include supplementary clauses, however any supplementary clauses cannot be inconsistent with the model Code.

The Code has maintained any previously adopted non-mandatory provisions.

Please note that yellow highlighting in the revised Code indicates an amendment has been made and strikethrough text is to be deleted. The blue highlighted text are alternative options provided by Cr Arnott.

The key amendments to the Code are:

1) Clause 3.23 – makes provision for the inclusion of a statement of ethical obligations in each business paper to remind Mayor and Councillors of their oath or affirmation of office and appropriate management of conflicts of interest.

2) Clause 3.5 – allows pre-meeting briefings to be held by audio-visual link (non-mandatory).

3) Clause 3.5 – includes provision specifying timeframe to publish business paper on Council's website, as adopted by Council (non-mandatory).

4) Clause 3.7 – changes the timeframe for distribution of business papers to Mayor and Councillors, as adopted by Council.

5) Clause 3.10 - changes the timeframe to lodge a notice of motion, as adopted by Council.

6) Clause 4.2 – allows public forums (public access) to be held by audio-visual link (non-mandatory).

7) Clause 5.2 – includes reference to attendance at meetings by audio-visual link (non-mandatory).

8) Clauses 5.15 to 5.17 – makes provision for meetings to be held by audio-visual link (non-mandatory).

9) Clauses 5.18 to 5.22 – makes provision for attendance by councillors at a meeting by audio-visual link (non-mandatory).

10) Clauses 5.26 to 5.31 – updated to reflect mandatory provisions in the model code.

11) Clause 14.20 – makes provision for obligations of a councillor attending a meeting by audio-visual link during closed meetings (non-mandatory).

12) Clauses 15.20 to 15.21 – makes provision for dealing with disorder by a councillor if attendance is by audio-visual link (non-mandatory).

13) Clause 16.2 – makes provision for managing conflicts of interest when attending a meeting by audio-visual link (non-mandatory).

14) Clause 16.3 – includes a new provision, adopted by Council, to include conflict interest forms in the minutes (non-mandatory).

15) Clauses 17.12 to 17.14 – makes provision to deal with a rescission motion at the same meeting a motion was considered (non-mandatory).

16) Clause 19.2(a) – requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).

17) Clause 20.22(a) - requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).

In addition to the amendments above, the Code has been updated to reflect changes in clause numbers and other minor amendments from the revised model Code.

Additional considerations by Council

Council also needs to give consideration to recording a division after each item.

Section 375A of the Local Government Act 1993, requires Council to record those voting ‘for’ and ‘against’ each item when the matter relates to a planning decision under the Environment Planning and Assessment Act 1979.

It is not mandatory for Council to record those voting ‘for’ and ‘against’ other motions passed by Council. Clause 11.10 and 20.23, shown below, would need to be included in the revised Code of Meeting Practice should Council be of a mind to include recording a division for all items.

a) Clause 11.10 - makes provision for recording a division (non-mandatory).
b) Clause 20.23 – makes provision for recording a division (non-mandatory).

Council has been conducting a trial of this approach following the Council meeting of 22 February 2022.

Public Access survey

Council recently conducted a public access survey to engage with speakers from the past 4 years, the Mayor and Councillors, Council staff and the general community, with 55 surveys completed.

The questions included in the survey were:

1) How did you find the experience of presenting at Public Access? Were you shaky/nervous/anxious while presenting?
2) Would being seated whilst presenting have been helpful with the nervous feeling?
3) Thinking about the Public Access process, was the 5 minute time limit sufficient to present, or is it too constraining?
4) If you used the presentation display (i.e. PowerPoint presentation), how easy did you find the experience?
5) If given the option, would you have agreed to have your presentation broadcast on Council's live webcast to raise awareness?
6) Did you find questions from Councillors helpful?
7) Please provide any additional comments you might have on the current Public Access process.
8) Please provide any suggestions you might have to improve the Public Access process.

The survey graphs are shown at **(ATTACHMENT 4).** Responses from questions 7 and 8 can be themed as follows:

- Councillor interaction during the sessions – both positive and opportunities for improvement
- Review time limit for speakers
- Provide Public Access via audio visual means with the speakers to have an option to present via the webcast
- Happy with the current process – enjoyed and provided an insight into Council meeting process
- Provide feedback to speakers on decisions of Council
- Limit questions from Councillors
- Speakers to have the ability to manage slide presentation
- Speakers able to attend by audio-visual link
- General improvements to the Public Access process.

The following table provides Public Access benchmarking conducted as part of revising the Code:

Council	Speaker time limit	Public access webcast	Questions asked by councillors
Cessnock City	3 minutes with 2 further 1 minute extensions available.	Yes	Yes

Lake Macquarie City	4 minutes. Total of 10 minutes by speaker slot includes questions from councillors.	Yes	Yes
Maitland City	3 minutes with 1 minute extension by resolution.	Yes	No direct questions to speakers – able to seek clarification from the chairperson.
Mid Coast	3 minutes	No	Yes
City of Newcastle	**Public Voice** (generally DAs only) – 10 minutes each 'for' and 'against' and 10 minutes for councillor questions. **Public briefings** (other council related matters once a month) – 2 sessions per month, 20 minutes for speakers and 10 minutes for councillor questions.	Yes	Yes

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the existing budget.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to adopt a Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. In addition, Council is required to review its Code of Meeting Practice within 12 months of an ordinary local government election.

Section 361 of the Local Government Act 1993, requires Council to publicly exhibit the Code for a period of 28 days and allow 42 days for submissions to be received from the community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 and Local Government (General) Regulation 2021 should it not adopt a Code of Meeting Practice.	Low	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

CONSULTATION

Internal

- Executive Team.
- Mayor and Councillors.

External

The revised Code of Meeting Practice is required to be publicly exhibited for a period of 28 days and allow 42 days for submissions to be received from the community. Public exhibition will take place at Council's library network, the Administration Building and be available from Council's website.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Draft Code of Meeting Practice.
2) Council minutes extract - 26 April 2022.
3) Office of Local Government correspondence.
4) Public Access survey.

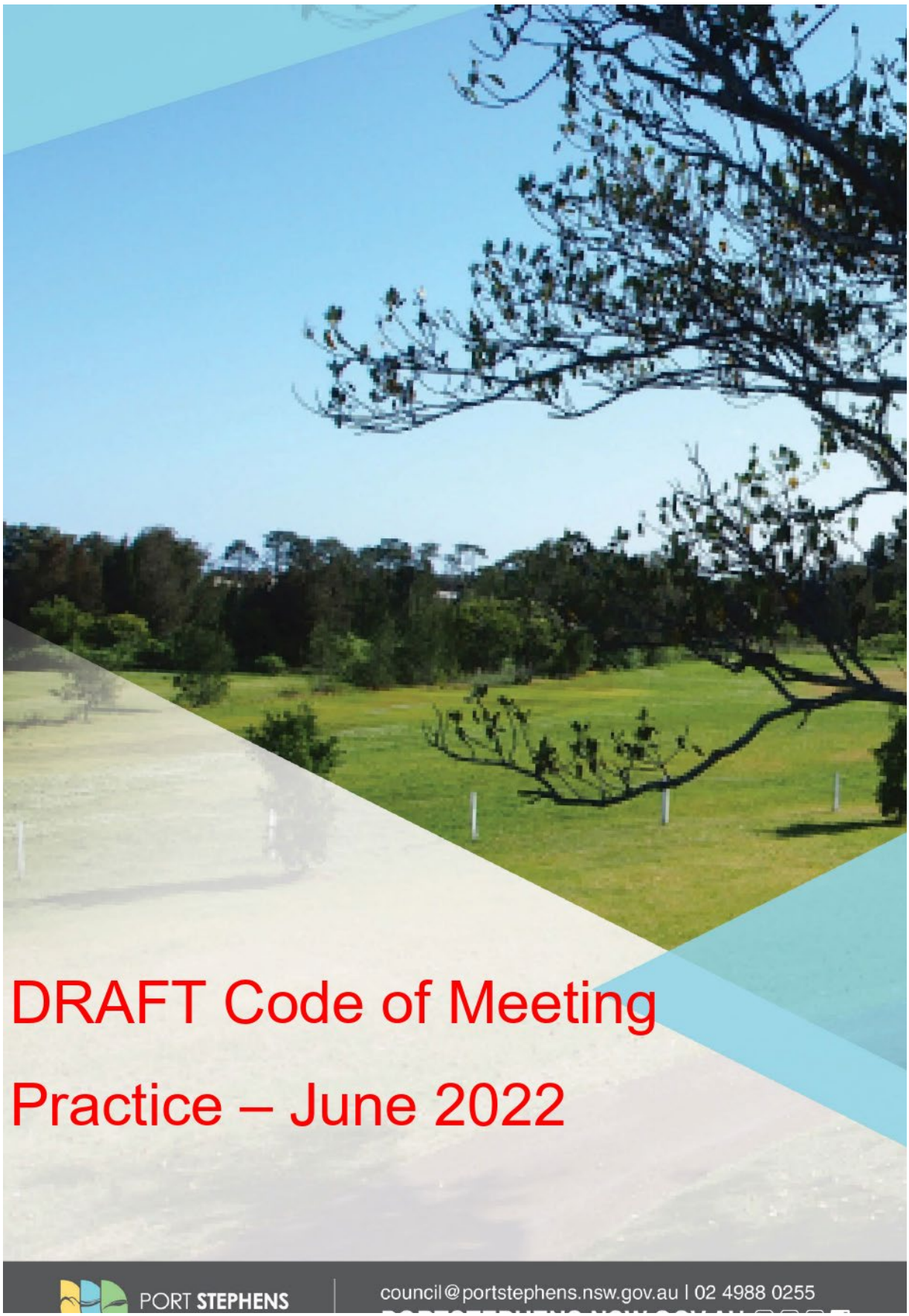
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

1) Office of Local Government – Model Code of Meeting Practice.

ITEM 5 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE.



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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is ~~made~~ prescribed under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation ~~2005~~ 2021 (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

3.2 Despite clauses 3.1, 3.4, 3.7 and 3.17, an ordinary meeting may be cancelled if there are no operational reports to be considered by Council. The General Manager must inform the Mayor should this situation arise. The Mayor may, after consultation with each Councillor, as far as practicable, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.3 If the Mayor receives a request in writing, signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The Mayor can be 1 of the 2 Councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

Note: Clause 3.4 reflects section 9(1) of the Act.

3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. The business paper will be published on the Council website by 10am the first Monday after the previous meeting of Council.

3.6 For the purposes of clause 3.4, notice of more than 1 meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.7 The General Manager must send to each Councillor, at least ~~3 days before each~~ by close of business on the first Friday after the previous meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.9 Notice of less than 3 days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~10 business days before the meeting is to be held.~~ 3 days prior to the distribution of the business paper.

3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:

(a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or

(b) By written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council.

3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.

3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.

3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:

(a) All matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
(b) If the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
(c) All matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
(d) Any business of which due notice has been given under clause 3.10.

3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a mayoral minute to a meeting under clause 9.6.

3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

(a) Identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) States the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

3.23 Business papers for all ordinary and extraordinary meetings of the Council and committees of the Council must contain a statement reminding the Mayor and Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

3.234 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

Note: Clause 3.234 reflects section 9(2) and (4) of the Act.

3.245 Clause 3.234 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.245 reflects section 9(2A)(b) of the Act.

3.256 For the purposes of clause 3.234, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.256 reflects section 9(3) of the Act.

3.267 A copy of an agenda, or of an associated business paper made available under clause 3.234, may in addition be given or made available in electronic form.

Note: Clause 3.267 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.278 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.289 Despite clause 3.278, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

(a) A motion is passed to have the business considered at the meeting, and
(b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

3.2930 A motion moved under clause 3.289 (a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.301 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.289 (a) can speak to the motion before it is put.

3.312 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.289 (b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

3.323 Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.

3.334 Pre-meeting briefing sessions are to be held in the absence of the public.

3.35 Pre-meeting briefing sessions may be held by audio-visual link.

3.346 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.

3.357 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.

3.368 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

4 PUBLIC FORUMS (Public Access)

4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.

4.2 Public forums may be held by audio-visual link.

4.2 (a) Presentations to public forums must be done in person and are not permitted to be written or video presentations unless the presenter is present to respond to questions per clause 4.15.

4.~~2~~3 Public forums are to be chaired by the Mayor or their nominee.

4.~~3~~4 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12 noon on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.

4.~~4~~5 A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.

4.~~5~~6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.~~6~~7 The Mayor or their delegate may refuse an application to speak at a public forum. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.

4.~~7~~8 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting, with the total number of speakers at any one meeting being 12.

4.~~8~~9 If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.

4.~~9~~10 If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.

4.1~~0~~1 ~~Council may require a~~ Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 2pm the day of the public forum. The Mayor or their delegate may refuse to allow such material to be presented.

4.11~~1~~2 The Mayor or their delegate is to determine the order of speakers at the public forum.

4.12~~2~~3 Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.

4.13~~3~~4 Speakers at public forums must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

4.14~~4~~5 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

4.15~~5~~6 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.

4.16~~6~~7 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.

4.17~~7~~8 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.

4.18~~8~~9 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.

4.~~19~~20 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.

4.20~~0~~1 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.21~~2~~2 Clause 4.20~~0~~1 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.

4.22~~3~~3 Where a speaker engages in conduct of the type referred to in clause 4.~~19~~20, the Mayor or their delegate may refuse further applications from that person to speak at public forums for such a period as the Mayor or their delegate considers appropriate.

4.234 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.

5.3 Where a Councillor is unable to attend 1 or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.

5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

5.6 A Councillor's civic office will become vacant if the councillor is absent from 3 consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least 2 days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. The quorum for Port Stephens Council is 6.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the Council must be adjourned if a quorum is not present:

(a) At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
(b) Within half an hour after the time designated for the holding of the meeting, or
(c) At any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) By the chairperson, or
(b) In the chairperson's absence, by the majority of the Councillors present, or
(c) Failing that, by the General Manager.

5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety ~~and~~ or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster ~~(such as, but not limited to flood or bushfire)~~ or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

Alternative to 5.13 - Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety ~~and~~ or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster

~~(such as, but not limited to flood or bushfire)~~ or a public health emergency, the Mayor may only make a determination under this clause with the consensus of all Councillors and the General Manager, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

5.15 A meeting of the Council or a committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.

Alternative to 5.15 - A meeting of the Council or a committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause with the consensus of all Councillors and the General Manager.

5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:

(a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
(b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
(c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by Councillors at meetings by audio-visual link

5.18 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link.

Alternativee to 5.18 above – Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link for no more than 2 consecutive meetings. Attempt to attend for more than 2 consecutive meetings will result in a refusal to admit the Councillor to the audio-visual link.

5.18(a) – any attendees via audio-visual link may not serve as the Chairperson of the meeting for which they attend via audio-visual link.

Drafting note – the proposed clause 5.18(a) is inconsistent with clause 6.1 of the Code and section 369(1) of the Local Government Act. Therefore cannot be included in the Code. Section 369(1) of the Act states that the Mayor presides at a meeting when in attendance.

5.19 The Council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.

5.20 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. When a Councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.21 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.22 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the committee into disrepute.

Entitlement of the public to attend council meetings

5.~~15~~23 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

Note: Clause 5.~~15~~23 reflects section 10(1) of the Act.

5.~~16~~24 Clause 5.~~15~~23 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.~~17~~25 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

(a) By a resolution of the meeting, or
(b) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.~~17~~25 reflects section 10(2) of the Act.

Note: Clause 15.1~~5~~4 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

5.~~18~~26 ~~All meetings of the Council and committees of the Council are to be webcast on the Council's website.~~ Each of the meeting of the Council or committee of the Council is to be recorded by means of audio or audio-visual device.

5.27 At the start of each meeting of the Council or a committee of the Council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and
(b) persons attending the meeting should refrain from making any defamatory statements.

5.28 The recording of a meeting is to be made publicly available on the Council's website:

(a) at the same time as the meeting is taking place, or
(b) as soon as practicable after the meeting, and
(c) a meeting may only not be webcast live in the case of technical issues or technical limitations.
(d) in case of issues per 5.28 (c), the meeting will be paused for 5 minutes to enable troubleshooting to occur. If the issue is not fixed after 5 minutes, the meeting may continue so long as it is still being recorded for the recording to be made available after the meeting.

5.29 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting or to the limit of Council's Information Technology storage capacity, whichever is greater.

5.30 Clauses 5.28 and 5.29 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.26 – 5.30 reflect section 236 of the Regulation.

5.31 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

~~5.19 Council will audio visual record (livestream) all Council meetings held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.~~

~~5.20 Any meetings held outside the Council Chambers at 116 Adelaide Street, Raymond Terrace, will be either audio visual recording or an audio recording, and made available on Council's website following the meeting.~~

~~5.21 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.~~

~~5.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.~~

~~5.23 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum of 12 months or to the limit of Council's Information Technology storage capacity, whichever is greater. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.~~

Attendance of the general manager and other staff at meetings

5.~~24~~32 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

Note: Clause 5.~~24~~32 reflects section 376(1) of the Act.

5.~~25~~33 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

Note: Clause 5.~~25~~33 reflects section 376(2) of the Act.

5.~~26~~34 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

Note: Clause 5.~~26~~34 reflects section 376(3) of the Act.

5.~~27~~35 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

6 THE CHAIRPERSON

The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Mayor and Deputy Mayor

6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) By the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or

(b) By the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.

6.5 If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the Council:

(a) Any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) Every Councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

7.1 If the chairperson is the Mayor, they are to be addressed as ‘Mr Mayor’ or ‘Madam Mayor’.

7.2 Where the chairperson is not the Mayor, they are to be addressed as either ‘Mr Chairperson’ or ‘Madam Chairperson’.

7.3 A Councillor is to be addressed as ‘Councillor [surname]’.

7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 At a meeting of the Council, the general order of business is as fixed by resolution of the Council.

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows Council to deal with items of business by exception.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

9.1 The Council must not consider business at a meeting of the Council:

(a) Unless a Councillor has given notice of the business, as required by clause 3.10, and
(b) Unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) Is already before, or directly relates to, a matter that is already before the Council, or
(b) Is the election of a chairperson to preside at the meeting, or
(c) Subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
(d) Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:

(a) A motion is passed to have the business considered at the meeting, and
(b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a mayoral minute without the motion being seconded.

9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.9 (a) A mayoral minute must include a statement within the motion, the report, or in the Mayor's speech, outlining why the motion is not considered to be "routine and not urgent" per clause 9.9.

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of council

9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.

9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to ~~documents~~ information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

(a) Any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
(b) The chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than 1 motion and 1 proposed amendment can be before Council at any one time.

10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

10.16 (a) – An amendment put forward that becomes the motion at clause 10.16, is to be noted in the minutes as being accepted by the mover and seconder of the original motion.

Foreshadowed motions

10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time.

10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:

(a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
(b) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

10.31 If any debate on an item, the Chairperson must ask the mover if they wish to utilise their right of reply prior to the item being put.

11 VOTING

Voting entitlements of councillors

11.1 Each Councillor is entitled to 1 vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the

names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this Code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.10 is adopted, clauses 11.5 – 11.8 and clause 11.11 may be omitted.

Clauses 11.10 to 11.13 to be re-numbered if 11.10 above is adopted.

Voting on planning decisions

11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.13 Clauses 11.10-11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10-11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The Council may resolve itself into a committee to consider any matter before the Council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) Personnel matters concerning particular individuals (other than Councillors),
(b) The personal hardship of any resident or ratepayer,
(c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
(d) Commercial information of a confidential nature that would, if disclosed:
(i) Prejudice the commercial position of the person who supplied it, or
(ii) Confer a commercial advantage on a competitor of the Council, or
(iii) Reveal a trade secret,
(e) Information that would, if disclosed, prejudice the maintenance of law,
(f) Matters affecting the security of the Council, Councillors, Council staff or Council property,
(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
(h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of the Council's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
(b) If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) Are substantial issues relating to a matter in which the Council or committee is involved, and
(b) Are clearly identified in the advice, and
(c) Are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) A person may misinterpret or misunderstand the discussion, or
(b) The discussion of the matter may:
  (i) Cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
  (ii) Cause a loss of confidence in the Council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
(b) The Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  (i) Should not be deferred (because of the urgency of the matter), and
  (ii) Should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 2pm the day before the meeting at which the matter is to be considered.

14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.

14.15 The General Manager (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.~~20~~1 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) The relevant provision of section 10A(2) of the Act,
(b) The matter that is to be discussed during the closed part of the meeting,
(c) The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.~~20~~1 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.~~21~~2 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.2~~2~~3 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.2~~1~~2 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.

15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:

(a) Contravenes the Act, the ~~or any r~~Regulation ~~in force under the Act~~ or this code, or
(b) Assaults or threatens to assault another Councillor or person present at the meeting, or
(c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
(d) Insults, ~~or~~ makes ~~personal reflections~~ unfavourable personal remarks about, ~~on~~ or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
(e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a Councillor:

(a) To apologise without reservation for an act of disorder referred to in clauses 15.11(a), ~~or~~ (b), or (e), or
(b) To withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
(c) To retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.

15.15 Clause 15.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.2~~0~~2 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.

15.2~~1~~3 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.

15.2~~2~~4 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.2~~1~~3, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.235 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or committee, or at any time during which the Council or committee is voting on the matter.

16.3 The full form that was filled out by the Councillor to declare their conflict of interest will be displayed in the meeting minutes, with any confidential or personal information redacted.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

Note: Clause 17.1 reflects section 371 of the Act.

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within 3 months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than 5pm of the day after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and
(b) a motion to have the motion considered at the meeting is passed, and
(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite

clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Alternative to non-mandatory clauses 17.12 to 17.14 – that clauses 17.12 to 17.14 be removed by the draft code and renumber clauses.

Recommitting resolutions to correct an error

17.1~~2~~5 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) To correct any error, ambiguity or imprecision in the Council's resolution, or
(b) To confirm the voting on the resolution.

17.1~~3~~6 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.1~~2~~5(a), the Councillor is to propose alternative wording for the resolution.

17.1~~4~~7 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.1~~2~~5(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.1~~5~~8 A motion moved under clause 17.1~~2~~5 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.1~~2~~5 can speak to the motion before it is put.

17.1~~6~~9 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.1~~2~~5.

17.~~17~~20 A motion moved under clause 17.1~~2~~5 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the Council and committees of the Council are to conclude no later than 9pm.

Alternative to 18.1 - Meetings of the Council and committees of the Council are to conclude no later than 9.30pm.

18.2 If the business of the meeting is unfinished at 9pm, the Council or the committee may, by resolution, extend the time of the meeting.

Alternative to 18.2 - If the business of the meeting is unfinished at 9.30pm, the meeting is automatically extended by 15 minutes to 9.45pm. If the meeting continues to 9.45pm, the Council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at 9pm, and the Council does not resolve to extend the meeting, the chairperson must either:

Alternative to 18.3 - If the business of the meeting is unfinished at 9.45pm, and the Council does not resolve to extend the meeting, the chairperson must either:

(a) Defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
(b) Adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:

(a) Individually notify each councillor of the time, date and place at which the meeting will reconvene, and
(b) Publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

(a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
~~(a)~~(b) Details of each motion moved at a council meeting and of any amendments moved to it,
~~(b)~~(c) The names of the mover and seconder of the motion or amendment,
~~(c)~~(d) Whether the motion or amendment was passed or lost, and
~~(d)~~(e) Such other matters specifically required under this code.

19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the Council whose members are all Councillors.

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Council committees whose members are all councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a committee of the Council is to be:

(a) Such number of members as the Council decides, or
(b) If the Council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The Council must specify the functions of each of its committees when the committee is established~~,~~ but may from time to time amend those functions.

Notice of committee meetings

20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least 3 days before each meeting of the committee, a notice specifying:

(a) The time, date and place of the meeting, and
(b) The business proposed to be considered at the meeting.

20.7 Notice of less than 3 days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

(a) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

(b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

(a) To give notice of business for inclusion in the agenda for the meeting, or

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(b) To move or second a motion at the meeting, or
(c) To vote at the meeting.

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the Council must be:

(a) The Mayor, or
(b) If the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
(c) If the Council does not elect such a member, a member of the committee elected by the committee.

20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has

ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of council committee meetings

20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
~~(a)~~(b) Details of each motion moved at a council meeting and of any amendments moved to it,
~~(b)~~(c) The names of the mover and seconder of the motion or amendment,
~~(c)~~(d) Whether the motion or amendment was passed or lost, and
~~(d)~~(e) Such other matters specifically required under this code.

20.23 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: renumber clauses of 20.23 is not adopted.

20.2~~3~~4 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

20.24~~5~~ Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.25~~6~~ When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.26~~7~~ The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.27~~8~~ The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21 IRREGULARITES

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

(a) A vacancy in a civic office, or
(b) A failure to give notice of the meeting to any Councillor or committee member, or
(c) Any defect in the election or appointment of a Councillor or committee member, or
(d) A failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
(e) A failure to comply with this Code.

Note: Clause 21.1 reflects section 374 of the Act.

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22 DEFINITIONS

the Act	means the Local Government Act 1993.
act of disorder	means an act of disorder as defined in clause 15.11 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech.
audio-visual link	means a facility that enables audio and visual communication between persons at different places.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code.
this code	means the council's adopted code of meeting practice.
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
councillor	means a councillor elected to Port Stephens Council, including the mayor, unless the mayor is defined in another capacity within this code.
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in New South Wales.
day	means calendar day.
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.

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performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.
the Regulation	means the Local Government (General) Regulation ~~2005~~ 2021.
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
year	means the period beginning 1 July and ending the following 30 June.

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CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
TRIM container No	A2004-0284	**EDRMS record No**	~~20/242259~~ TBC
Audience	Elected Council		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	~~Four years~~ 3 years	**Next review date**	~~9 June 2023~~ TBC
Adoption date	28 May 2019		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2019	Governance Section Manager	Adoption of the model Code of Conduct.	113
1.1	9 June 2020	Governance Section Manager	Reviewed the Code, format numbering to align with corporate style guide and updated version control. 3.1, 3.1.1 to 3.1.4 – delete. 3.1 & 3.2 – insert new clauses. 3.2 to 3.36 – renumber to 3.3 to 3.37 and update reference clauses. 3.10 – replace 7 days with 10 days. 4.3 – amend 12.00 noon to read 12 noon. 8.1 – delete. 8.1 – insert new clause. Update definitions to include 'councillor'.	098

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1.2		Governance Section Manager	Reviewed the Code in accordance with amendments in the Model Code of Meeting Practice , format numbering to align with corporate style guide and updated version control. Amendments Introduction - replaced “made” with “prescribed” and updated the Local Government (General) Regulation to 2021. 3.5 – update to include timeframe to publish business paper on website. 3.7 – update to include distribution of business paper to Mayor and Councillors. 3.10 – change to timeframe to lodge a notice of motion. 3.23 - new clause “Statement of ethical obligations”. 3.35 – new clause to enable pre-meeting briefings to be held by audio-visual link. 4.2 – new clause to enable public forums to be held by audio-visual link. 4.11 – Minor amendment to wording. 4.23 – updated reference to clause 4.19.	

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			5.2 – include reference to audio-visual link. 5.13 – updated wording to “health” and “public health emergency”, and remove reference to flood or bushfire. 5.15 to 5.17 – new clauses to enable meetings to be held by audio-visual link. 5.18 to 5.22 – new clauses to enable meeting attendance by audio-visual link. 5.26 – amendments to reflect method of recording webcast. 5.27 to 5.31 – clauses wording in the model code of meeting pratice. Former 5.19 to 5.23 – clauses removed. 9.17 – remove “documents” and replace with “information”. 11.10 – new clause to enable a division on each item. 14.7 – include “departmental”. 14.20 – new clause. 15.11 – remove “personal reflections’ and replace with “unfavourable personal remarks about,” and include reference to section 182 of the Regulation. 15.12 – update to include (e) and “any statement that	

DRAFT

Version	Date	Author	Details	Minute No.
			constitutes" and include reference to section 233 of the Regulation. 15.16 – Include reference to section 233(2) of the Regulation. 15.20 and 15.21 – new clause. 15.24 – update to include reference to 15.17. 16.2 – new clause. 17.12 to 17.14 – new clauses. 19.2(a) – new sub-clause. 20.22(a) – new sub-clause. 20.23 – new clause to enable a division on each item. Definitions updated to include audio-visual link and reference to 2021 Regulation.	

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MINUTES ORDINARY COUNCIL - 26 APRIL 2022

ITEM NO. 4 **FILE NO: 22/98772**
EDRMS NO: A2004-0284

CODE OF MEETING PRACTICE REVIEW

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)**.
2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received.
3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council.
4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received.

ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION

	Councillor Peter Francis **Councillor Giacomo Arnott** That Council: 1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)**. 2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received. 3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council. 4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received. 5) Include the following clause in the Code of Meeting Practice – "11.2.1 – The casting vote be only utilised in all instances of its use to maintain the status quo".

The Mayor ruled the motion was not lawful, as it was inconsistent with the provisions of the Model Code of Meeting Practice.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION

	Councillor Giacomo Arnott **Councillor Peter Francis** That a motion of dissent be moved.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan, Glen Dunkley and Steve Tucker.

The motion was declared lost on the casting vote of the Mayor.

ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION

109	**Councillor Peter Francis** **Councillor Giacomo Arnott** It was resolved that item 4 be deferred pending advice from the Office of Local Government on the question of the amendment proposed by Cr Francis, being: "Include the following clause in the Code of Meeting Practice – 11.2.1 – The casting vote be only utilised in all instances of its use to maintain the status quo".

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the revised Code of Meeting Practice (the Code) **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

The Port Stephens Council Code of Meeting Practice is based on the revised Model Code of Meeting Practice released by the Office of Local Government on 29 October 2021 **(TABLED DOCUMENT)**.

The Code applies to meetings of the Council and Committees of Council where members are all elected members. The model Code also applies to boards of joint organisations and county councils.

Council first adopted the Code on 28 May 2019, with further amendments adopted on 9 June 2020. The Code includes mandatory and non-mandatory provisions. Council is also able to include supplementary clauses, however, any supplementary clauses cannot be inconsistent with the model Code.

The Code has maintained any previously adopted non-mandatory provisions.

Please note that yellow highlighting in the revised Code indicates an amendment has been made and strikethrough text is to be deleted.

The key amendments to the Code are:

1) Clause 3.23 – makes provision for the inclusion of a statement of ethical obligations in each business paper to remind Mayor and Councillors of their oath or affirmation of office and appropriate management of conflicts of interest.

2) Clause 3.5 – allows pre-meeting briefings to be held by audio-visual link (non-mandatory).

3) Clause 3.5 – includes provision specifying timeframe to publish business paper on Council's website, as adopted by Council. (non-mandatory).

4) Clause 3.7 – change to the timeframe for distribution of business papers to Mayor and Councillors, as adopted by Council.

5) Clause 3.10 - change to the timeframe to lodge a notice of motion, as adopted by Council.

6) Clause 4.2 – allows public forums (public access) to be held by audio-visual link (non-mandatory).

7) Clause 5.2 – includes reference to attendance at meeting by audio-visual link (non-mandatory).

8) Clauses 5.15 to 5.17 – makes provision for meetings to be held by audio-visual link (non-mandatory).

9) Clauses 5.18 to 5.22 – makes provision for attendance by councillors at a meeting by audio-visual link (non-mandatory).

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

10) Clauses 5.26 to 5.31 – updated to reflect mandatory provisions in the model code.

11) Clause 14.20 – makes provision for obligations of a councillor attending a meeting by audio-visual link during closed meetings (non-mandatory).

12) Clauses 15.20 to 15.21 – makes provision for dealing with disorder by a councillor if attendance is by audio-visual link (non-mandatory).

13) Clause 16.2 – makes provision for managing conflicts of interest when attending a meeting by audio-visual link (non-mandatory).

14) Clause 16.3 – includes a new provision adopted by Council (non-mandatory).

15) Clauses 17.12 to 17.14 – makes provision to deal with a rescission motion at the same meeting a motion was considered (non-mandatory).

16) Clause 19.2(a) – requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).

17) Clause 20.22(a) - requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).

In addition to the amendments above, the Code has been updated to reflect changes in clause numbers and other minor amendments from the revised model Code.

Additional considerations by Council

Council also needs to give consideration to recording a division after each item.

Section 375A of the Local Government Act 1993, requires Council to record those voting 'for' and 'against' each item.

It is not mandatory for Council to record those voting 'for' and 'against' other motions passed by Council. Clause 11.10 and 20.23, shown below, would need to be included in the revised Code of Meeting Practice should Council be of a mind to include recording a division for all items.

a) Clause 11.10 - makes provision for recording a division (non-mandatory).
b) Clause 20.23 – makes provision for recording a division (non-mandatory).

Council has been conducting a trial of this approach following the Council meeting of 22 February 2022.

Public Access survey

Council recently conducted a public access survey to engage with speakers from the past 4 years, the Mayor and Councillors, Council staff and the general community, with 55 surveys completed.

The questions included in the survey were:

1) How did you find the experience of presenting at Public Access? Were you shaky/nervous/anxious while presenting?
2) Would being seated whilst presenting have been helpful with the nervous feeling?
3) Thinking about the Public Access process, was the 5 minute time limit sufficient to present, or is it too constraining?
4) If you used the presentation display (i.e. PowerPoint presentation), how easy did you find the experience?
5) If given the option, would you have agreed to have your presentation broadcast on Council's live webcast to raise awareness?
6) Did you find questions from Councillors helpful?
7) Please provide any additional comments you might have on the current Public Access process.
8) Please provide any suggestions you might have to improve the Public Access process.

The survey graphs are shown at **ATTACHMENT 2.** Responses from questions 7 and 8 can be themed as follows:

- Councillor interaction during the sessions – both positive and opportunities for improvement
- Review time limit for speakers
- Provide Public Access via webcast with the speakers to have an option to present via the webcast
- Happy with the current process – enjoyed and provided an insight into Council meeting process
- Provide feedback to speakers on decisions of Council
- Limit questions from Councillors
- Speakers to have the ability to manage slide presentation
- Speakers able to attend by audio-visual link
- General improvements to the Public Access process

The following table provides Public Access benchmarking conducted as part of revising the Code.

Council	Speaker time limit	Public access webcast	Questions asked by councillors
Cessnock City	3 minutes with 2 further 1 minute extensions available.	Yes	Yes
Lake Macquarie City	4 minutes. Total of 10 minutes by speaker slot	Yes	Yes

	includes questions from councillors.		
Maitland City	3 with 1 minute extension by resolution.	Yes	No direct questions to speakers – able to seek clarification from the chairperson.
Mid Coast	3 minutes	No	Yes
City of Newcastle	**Public Voice** (generally DAs only) – 10 minutes each 'for' and 'against' and 10 minutes for councillor questions. **Public briefings** (other council related matters once a month) – 2 sessions per month, 20 minutes for speakers and 10 minutes for councillor questions.	Yes	Yes

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the existing budget.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		

Source of Funds	Yes/No	Funding ($)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to adopt a Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. In addition, Council is required to review its Code of Meeting Practice within 12 months of an ordinary local government election.

Section 361 of the Local Government Act 1993, requires Council to publicly exhibit the Code for a period of 28 days and allow 42 days for submissions to be received from the community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 and Local Government (General) Regulation 2021 should it not adopt a Code of Meeting Practice.	Low	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

CONSULTATION

Internal

- Executive Team.
- Mayor and Councillors.

External

The revised Code of Meeting Practice is required to be publicly exhibited for a period of 28 days and allow 42 days for submissions to be received from the community. Public exhibition will take place at Council's library network, the Administration Building and be available from Council's website.

OPTIONS

1) Accept the recommendations.
2) Amend the recommendations.
3) Reject the recommendations.

ATTACHMENTS

1) Draft Code of Meeting Practice
2) Public Access survey.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Office of Local Government – Model Code of Conduct.

ITEM 5 - ATTACHMENT 3 OFFICE OF LOCAL GOVERNMENT CORRESPONDENCE.

Strengthening local government

NSW GOVERNMENT | Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A817509
Your Reference: A2004-0284
Contact: Doug Friend
Phone: [redacted]

Mr Wayne Wallis
General Manager
Port Stephens Shire Council
PO Box 42
RAYMOND TERRACE NSW 2324

Email: tony.wickham@portstephens.nsw.gov.au

Dear Mr Wallis

Thank you for your letter of 2 May 2022 about the use of the casting vote by the person presiding at council meetings.

As you have noted, under section 370 of the *Local Government Act 1993* (the Act), which is reflected in clause 11.2 of the *Model Code of Meeting Practice for Local Councils in NSW* (the Model Meeting Code), the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote. Neither the Act nor the Model Meeting Code restrict the chairperson in how they exercise their casting vote, and this is entirely at the chairperson's discretion.

The Office of Local Government agrees that it was open to the Mayor to rule the motion seeking to insert a new clause 11.2.1 into Council's code of meeting practice was unlawful. This is because the proposed clause 11.2.1, which sought to require the casting vote to only be used to maintain the status quo, is inconsistent with section 370 of the Act and clause 11.2 of the Model Code in that it seeks to fetter the discretion of the chairperson in their use of the casting vote.

I trust this information is of assistance. Should you have any further questions about this matter, please contact Doug Friend of the Council Governance Team on [redacted] or by email [redacted]

Yours sincerely

[redacted]

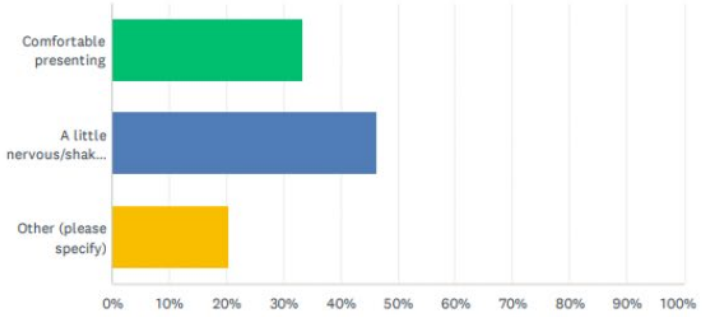
Ally Dench
Executive Director, Local Government

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

PUBLIC ACCESS SURVEY

Q1 How did you find the experience of presenting at Public Access? Were you shaky/nervous/anxious while presenting?

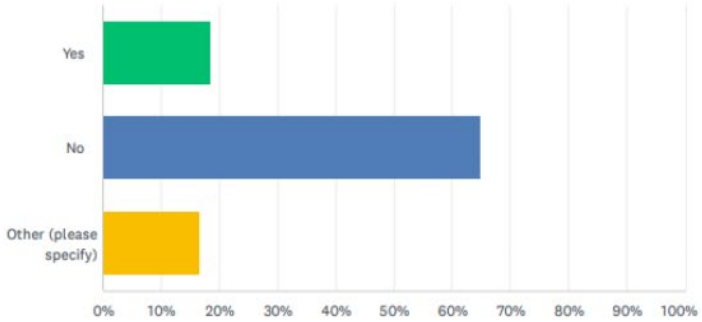
Answered: 54 Skipped: 1



ANSWER CHOICES	RESPONSES	
Comfortable presenting	33.33%	18
A little nervous/shaky/anxious	46.30%	25
Other (please specify)	20.37%	11
TOTAL		54

Q2 Would being seated whilst presenting have been helpful with the nervous feeling?

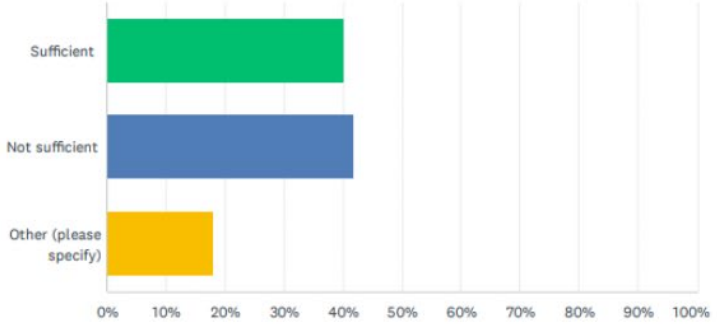
Answered: 54 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	18.52%	10
No	64.81%	35
Other (please specify)	16.67%	9
TOTAL		54

Q3 Thinking about the Public Access process, was the 5 minute time limit sufficient to present, or is it too constraining?

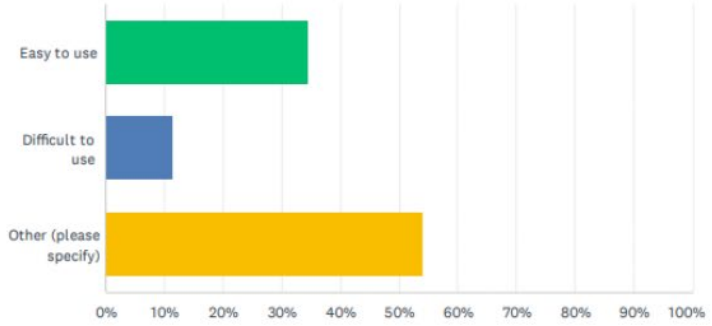
Answered: 55 Skipped: 0



ANSWER CHOICES	RESPONSES	
Sufficient	40.00%	22
Not sufficient	41.82%	23
Other (please specify)	18.18%	10
TOTAL		55

Q4 If you used the presentation display (ie. powerpoint presentation), how easy did you find the experience?

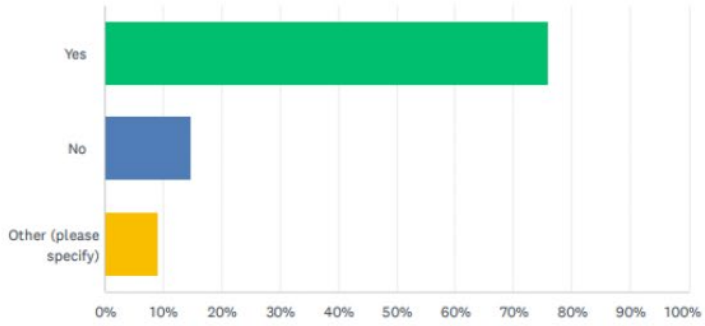
Answered: 52 Skipped: 3



ANSWER CHOICES	RESPONSES	
Easy to use	34.62%	18
Difficult to use	11.54%	6
Other (please specify)	53.85%	28
TOTAL		52

Q5 If given the option, would you have agreed to have your presentation broadcast on Council's live webcast to raise awareness?

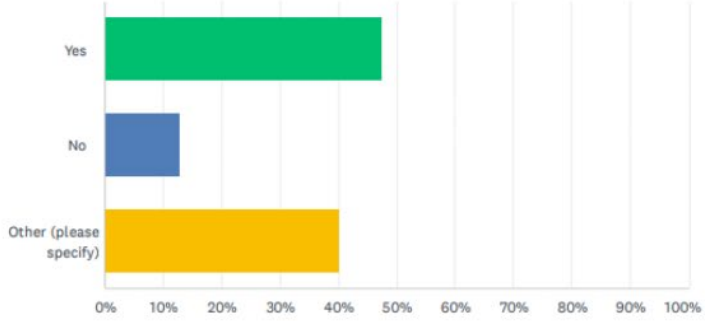
Answered: 54 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	75.93%	41
No	14.81%	8
Other (please specify)	9.26%	5
TOTAL		54

Q6 Did you find questions from councillors helpful?

Answered: 55 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	47.27%	26
No	12.73%	7
Other (please specify)	40.00%	22
TOTAL		55

ITEM NO. 6 **FILE NO: 22/150363**
EDRMS NO: PSC2021-04205

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-

a. Central Ward funds – Cr Chris Doohan – Rapid Response - $500 donation to Medowie Football Club towards the purchase of new game balls for men's and women's U/6 to Senior League teams.
b. Central Ward funds – Cr Chris Doohan – Rapid Response - $500 donation to 1st Anna Bay Scouts towards the purchase of new flags, tables and chairs.
c. Central Ward funds - $1000 donation to Karuah Pre-School towards age appropriate toys and activities for the Outside of School Hours (OOSH) program.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

165	**Councillor Giacomo Arnott** **Councillor Chris Doohan** It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:- a. Central Ward funds – Cr Chris Doohan – Rapid Response - $500 donation to Medowie Football Club towards the purchase of new game balls for men's and women's U/6 to Senior League teams. b. Central Ward funds – Cr Chris Doohan – Rapid Response - $500 donation to 1st Anna Bay Scouts towards the purchase of new flags, tables and chairs. c. Central Ward funds - $1000 donation to Karuah Pre-School towards age appropriate toys and activities for the Outside of School Hours (OOSH) program.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1) Mayoral Funds
2) Rapid Response
3) Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

WARD FUNDS

Medowie Football Club	Medowie Football Club is a predominately junior soccer club with a growing number of senior teams, catering to the township of Medowie.	$500	Donation towards the purchase of new game balls for men's and women's U/6 to senior teams.
1st Anna Bay Scouts	Anna Bay Scouts involves boys and girls in the Scout Program where they engage in peer to peer mentoring and healthy, outdoor, adventurous activities.	$500	Donation towards purchase of new flags, tables and chairs.
Karuah Pre-School	Karuah Preschool is a non-for profit Community Based Preschool open to children from 2-6yrs of age.	$1000	Donation towards purchase of age appropriate toys and activities for the OOSH program.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
b) the funding will directly benefit the community of Port Stephens.
c) applicants do not act for private gain.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been undertaken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

1) Accept the recommendation.
2) Vary the dollar amount before granting each or any request.
3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7 **FILE NO: 22/155338**
EDRMS NO: PSC2021-04203

INFORMATION PAPERS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 June 2022.

No:	Report Title	
1	Designated Persons' Return	197
2	Council Resolutions	

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

166	**Councillor Chris Doohan** **Councillor Giacomo Arnott** It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 28 June 2022. **No: Report Title** **Page:** 1 Designated Persons' Return 2 Council Resolutions

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1 **FILE NO: 22/139481**
EDRMS NO: PSC2021-01880

DESIGNATED PERSONS' RETURN

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Environmental Planner (PSC961)
- Principal Strategic Planner (PSC044)
- Cr Peter Francis

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

1) Designated Persons' Return.

ITEM NO. 2 **FILE NO: 22/155324**
EDRMS NO: PSC2017-00106

COUNCIL RESOLUTIONS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

The General Manager’s Office has no outstanding resolutions.

ATTACHMENTS

1) Corporate Services Group resolutions.
2) Development Services Group resolutions.
3) Facilities and Services Group resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PORT STEPHENS COUNCIL

	Division: Corporate Services	**Date From:**	27/8/2013
	Committee:	**Date To:**	14/6/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/8/2013	Crosdale, Timothy Crosdale, Timothy	Campvale Drain	30/12/2022		

17 Jun 2022
Two private owners, Hunter Water Corporation and National Parks and Wildlife Service (NPWS). Matter ongoing.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council	Crosdale, Timothy Crosdale, Timothy	Financial Sustainability Committee	30/06/2022		

17 Jun 2022
Financial Sustainability Committee is established. Report back to Council end of June 2022.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/05/2021	Crosdale, Timothy Crosdale, Timothy	Car parking in Shoal Bay	30/12/2022	12/05/2021	21/123694

17 Jun 2022
In principle approval received from Crown Lands.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 199	Ordinary Council 22/09/2020	Crosdale, Timothy Crosdale, Timothy	Newline Road, Raymond Terrace	30/09/2022		20/288489

17 Jun 2022
Approved. Contracts prepared. Finalising survey levels in contract.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 090	Ordinary Council 13/04/2021	Crosdale, Timothy Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/07/2022	14/04/2021	21/96728

17 Jun 2022
Matter ongoing.

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Development Services	**Date From:**	13/7/2021
	Committee:	**Date To:**	24/5/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 10/05/2022	Lamont, Brock Peart, Steven	Re-Establish of Alcohol Free Zones in Medowie and Shoal Bay	31/07/2022	12/05/2022	22/124235

14 Jun 2022
Paper is in preparation for public exhibition. Awaiting a list of liquor licence holders in the proposed AFZ areas from the Police (to send letters when it goes on exhibition).

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 7 060	Ordinary Council 22/02/2022	Drinan, Kate Peart, Steven	Minor DA Modification Reporting	27/08/2022	25/02/2022	22/57049

15 Jun 2022
Policy has been updated in accordance with the Ordinary Council meeting of 14 June 2022 recommendations. Policy has been placed on exhibition until 15 July 2022. If submissions are received the Policy will be returned to a future Council meeting. Should no submissions be received, the Policy will be adopted.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 24/05/2022	Lamont, Brock Peart, Steven	Grant Suspension 2022	29/07/2022	27/05/2022	22/136825

14 Jun 2022
Awaiting outcome of Financial Sustainability Committee.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8	Ordinary Council 14/06/2022	Gardner, Janelle Peart, Steven	Communications & Engagement Strategy	22/07/2022	16/06/2022	22/155619

16 Jun 2022
The revised draft Communication & Engagement Strategy has been placed on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted, without a further report to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 14/06/2022	Drinan, Kate Peart, Steven	POLICY REVIEW - PLANNING MATTERS TO BE REPORTED TO COUNCIL POLICY	19/08/2022	16/06/2022	22/155619

17 Jun 2022
The revised Planning Matters to be Reported to Council policy has been placed on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Development Services	**Date From:**	13/7/2021
	Committee:	**Date To:**	24/5/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2055	Ordinary Council 22/02/2022	Gardner, Janelle Peart, Steven	Newspaper Notices	31/08/2022	25/02/2022	22/57049

16 Jun 2022
Council Report being drafted and will be reported to Council Meeting 23/08/2022.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 13/07/2021	Drinan, Kate Peart, Steven	Publication of Development Application Submissions	23/07/2022		21/190429

17 Jun 2022
A two way will be held 4:30pm, 19 July 2022 - Discuss Publication of Development Application Information and Submissions - Kate Drinan

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3178	Ordinary Council 13/07/2021	Drinan, Kate Peart, Steven	Publication of Development Application Information	23/07/2022		21/190429

17 Jun 2022
A two way will be held 4:30pm, 19 July 2022 - Discuss Publication of Development Application Information and Submissions - Kate Drinan

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1240	Ordinary Council 14/09/2021	Connell, Sarah Peart, Steven	Port Stephens Waterway Strategy	31/07/2022	15/09/2021	21/252518

14 Jun 202
Strategic Planning have scheduled a meeting on 7 July 2022 with the DSG Group Manager and Strategy and Environment Section Manager.

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Development Services	**Date From:**	13/7/2021
	Committee:	**Date To:**	24/5/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 7 032	Ordinary Council 8/02/2022	Lourens, Rean Peart, Steven	FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE	30/09/2022	14/02/2022	22/45826
14 Jun 2022 Report is being drafted and will be reported back to Council at the 26 July 2022 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 275	Ordinary Council 12/10/2021	Lourens, Rean Peart, Steven	Carbon Neutrality	30/09/2022	13/10/2021	21/274186
14 Jun 2022 Natural Systems team will complete a report to Ordinary Council in September 2022 stepping through the roadmap to achieving carbon neutrality by 2025, along with suitable funding source to achieve the goal.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton, Paul	Basketball Backboard and Rings - Croquet Court, Boomerang Park	31/07/2022	14/02/2022	
15 039		Kable, Gregory				22/45826

16 Jun 2022
Further investigation on the foundation will be undertaken to ensure the court is fit for the proposed use. Report will then be provided back to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Independent Audit of Financial Positions of 355c Hall Committees	31/07/2022	14/02/2022	
16 041		Kable, Gregory				22/45826

16 Jun 2022
Report is currently in progress.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Guy Marks Oval, King Park, Raymond Terrace	31/07/2022	23/03/2022	
6 091		Kable, Gregory				22/81589

16 Jun 2022
Staff to prepare a sign to rename the oval

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Reusable Nappies and Menstrual Products	31/07/2022	14/02/2022	
6 031		Kable, Gregory				22/45826

16 Jun 2022
A report will be presented back to Council at the 12 July 2022 meeting.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton , Paul	Boomerang Park BBQs	8/07/2022	14/02/2022	
9 034		Kable, Gregory				22/45826

16 Jun 2022
Report shall be provided to Council on the proposal to increase facilities as per this NOM.

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Tomaree Road Footpath	31/07/2022	14/02/2022	
13 037		Kable, Gregory				22/45826

16 Jun 2022
Report will be provided to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Identifying Potholes	31/07/2022	23/03/2022	
7 092		Kable, Gregory				22/81589

16 Jun 2022
Report is currently in progress.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Fingal Bay	31/08/2022	27/05/2022	
2		Kable, Gregory				22/136825

16 Jun 2022
Works will be investigated and completed by Staff.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Taylors Beach	31/08/2022	27/05/2022	
3		Kable, Gregory				22/136825

16 Jun 2022
Works will be investigated and completed by Staff.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/06/2022	Maretich, John	Policy Review - Parks and Roadside Memorials Policy	30/09/2022	16/06/2022	
5		Kable, Gregory				22/155619

16 Jun 2022
The Parks and Roadside Memorials Policy has been placed on Public Exhibition until 12 July 2022.

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/04/2022	Maretich, John	Lakeside Leisure Centre	31/01/2023	28/04/2022	
2 114		Kable, Gregory				22/109684

16 Jun 2022
Report to be prepared to go back to Council

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825

16 Jun 2022
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Gutsche, Tammy	World Menstruation Hygiene Day	31/07/2022	27/05/2022	
1		Kable, Gregory				22/136825

16 Jun 2022
A report will be prepared for Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	26/07/2022	14/02/2022	
5 030		Kable, Gregory				22/45826

16 Jun 2022
Report shall be provided to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	31/07/2022	26/05/2021	
2 126		Kable, Gregory				21/138820

16 Jun 2022
The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/07/2022	26/05/2021	
5 128		Kable, Gregory				21/138820

16 Jun 2022
This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Mitchell, Darren	Hydrogen and Electric Vehicles in Council's Fleet	31/07/2022		
2 177		Kable, Gregory				21/190429

16 Jun 2022
Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Mitchell, Darren	Fly Point and Little Beach Parking/SMART Parking	31/07/2022		
3		Kable, Gregory				20/391301

16 Jun 2022
The 2 way session held in late April was predominantly for Shoal Bay and Birubi, not specifically Fly Point and Little Beach as mentioned last month. A Council report has be drafted for additional Smart Parking locations which will include these two sites, Fly Point and Little Beach. The report will go to Council in June 2022.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Mitchell, Darren	5G Small Cell Technology Rollout in Port Stephens	31/07/2022		
3 006		Kable, Gregory				21/33235

16 Jun 2022
Discussions have commenced with Telstra and are ongoing.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton , Paul	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/08/2022		
2 012		Kable, Gregory				21/33235

16 Jun 2022
Two-Way Council briefing will be scheduled in the near future to discuss the future of this land.

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	31/07/2022		
4 208		Kable, Gregory				21/218740

16 Jun 2022
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	26/07/2022	14/02/2022	
6 018		Kable, Gregory				22/45826

16 Jun 2022
Report with requested information shall be provided to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	31/07/2022	14/02/2022	
2 027		Kable, Gregory				22/45826

16 Jun 2022
Investigation underway to determine viability as requested.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Raymond Terrace Lakeside Pathway	31/07/2022	14/02/2022	
4 029		Kable, Gregory				22/45826

16 Jun 2022
Preliminary investigation was undertaken to form part of the NOM background. Additional investigation with assistance from NSW Police will be undertaken and report will be presented to Council.

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities & Services	**Date From:**	08/12/2020
	Committee:	**Date To:**	24/05/2022
	Officer:		
Action Sheets Report		**Printed:**	**Monday, 20 June 2022**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Mitchell, Darren	Kirrang Drive, Medowie Shared Pathway	31/07/2022	13/08/2021	
8 217		Kable, Gregory				21/218740

16 Jun 2022
Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740

16 Jun 2022
This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	31/07/2022	13/10/2021	
8 270		Kable, Gregory				21/274186

16 Jun 2022
Paperwork currently being prepared for the Mayor and General Manager for the official seal.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 28 JUNE 2022
MOTION

167	**Councillor Giacomo Arnott** **Councillor Chris Doohan** It was resolved that Council move into confidential session.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

CONFIDENTIAL

ITEM NO. 1 **FILE NO: 22/137456**
EDRMS NO: PSC2021-02492 & PSC2021-02493

ACQUISITION OF PART 352 DUNS CREEK ROAD, DUNS CREEK & PART 353 DUNS CREEK ROAD, DUNS CREEK FOR ROAD WIDENING PURPOSES

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

168	**Councillor Chris Doohan** **Councillor Peter Francis** It was resolved that Council: 1) Agree to acquire part of Lot 8 DP 253484 for road widening purposes on the confidential terms set out in this report. 2) Agree to acquire part Lot 20 DP 1255935 for road widening purposes on the confidential terms set out in this report. 3) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents, including Contracts for Sale for both acquisitions if the matters are successfully concluded.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 28 JUNE 2022
MOTION

169	**Councillor Steve Tucker** **Councillor Giacomo Arnott** It was resolved that Council move out of confidential session.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Mayor Ryan Palmer advised Council this was the General Manager's last meeting before retirement.

ORDINARY COUNCIL MEETING - 28 JUNE 2022
MOTION

	Councillor Giacomo Arnott That Council close the meeting and retain the webcast for the well wishes to continue.

The motion lapsed without a seconder.

Mayor Palmer extended Council's appreciation to the General Manager for his outstanding service and commitment to Port Stephens over many years.

There being no further business the meeting closed at 6:20pm.